

New borders in the southeastern Europe and their impact on the stability in the region of Central European Initiative (CEI)

12 december 2002

Part II.

Dorin Purice: Colaboration between the Republic of Moldova and the countries of Southeastern Europe in combating crossborder criminality	2
Oleg Graur: The Border Guard Troops`Role in functioning and controlling the state border	21
Dr. Stanislav Ceciui: Moldovan Border on the Map of Europe	42
IPP, Romania: Consolidation of Border Security and Regional Stability	53
V. Esanu. Some aspects of the Moldo-Romanian Co-operation for Regulating the Flow of Goods and Persons at the Border between the Republic of Moldova and Romania.....	93
Boris Parahonschii. International co-operation in the CEI area and impact of foreign factors on the situation in the Carpathian-Danubian region.....	97

Collaboration between the Republic of Moldova and the countries of Southeastern Europe in combating cross-border criminality

D.Purice, Liaison Officer of the Republic of Moldova to the SECI Regional Center for Prevention and Combating Cross-border criminality

The Republic of Moldova is a rather young state, which emerged as a result of the breakdown of the former USSR and which along with the other former Soviet Union Republics started to create its foundation for an independent economic and social development.

The Republic of Moldova with a surface of only 33.8 thousand square km (350 km from North to South and 150 km from East to West) has been divided in small autonomies and even hosts the so-called phantom-republic or the self-proclaimed Transnistrian Republic. During the last decade, the Republic of Moldova has known certain “favorable and encouraging phenomena” (referring to the indices of economic growth), which were mentioned especially in the reports presented by the previous governments. The truth is that we have become one of the poorest countries in Europe, if not in the world, where corruption, protectionism and organized crime flourish. We place first among the countries trafficking human beings to foreign countries for prostitution or slavery reasons. The aspirations and plans of the biggest foreign investors have vanished because of political instability, bureaucracy and corruption, lack of a stable and strong legal framework, which would be able to regulate promptly all legal relationships.

However, during these years the Republic of Moldova has succeeded to create itself a certain image at the international level, becoming member of numerous organizations and international institutions, such as: World Trade Organization, World Customs Organization, OSCE, Council of Europe, UNO, High Commissioner for Refugees, International Organization for Intellectual Property, CIS, Central European Initiative, Southeastern Europe Cooperation Initiative (SECI), Black Sea Commission, South-Eastern Europe Stability Pact, the Commission of the Danube Basin etc. Thus, there are certain signs demonstrating a so-called external activity or European integration, even if adherence to certain international organizations is dictated by the pre-electoral policies, or by specific motives followed by separate political groups or by the desire to eventually obtain grants or additional credits.

Presently, the Republic of Moldova cannot honor its financial obligations or other member duties towards the international organizations, an attitude of indifference and superficiality of our country's representatives participating in the workings of international organizations persists.

According to our opinion, the Republic of Moldova was able however to focus its attention on certain initiatives and projects, which appeared to be extremely useful and beneficial, while the importance of participating and the role of our country were highly appreciated by the other member states. Among these initiatives, we would mention the following:

- Southeastern Europe Cooperation Initiative (SECI),
- Stability Pact for South-Eastern Europe,
- SECI Regional Center for Preventing and Combating Cross-border Criminality

All these initiatives aim to fight corruption, organized crime and other types of criminal activities with transnational character – phenomena that obtained an enormous share in the Republic of Moldova. Moldova adhered to these initiatives due to its special geopolitical location, as well as being convinced that confident steps are made, which would assure the European integration.

Fighting corruption and organized crime in the Republic of Moldova will contribute to the improvement of the social climate and to the assurance of peace, security and stability in the Region.

1. SOUTHEASTERN EUROPE COOPERATION INITIATIVE (SECI)

A) Planned purposes and intentions

Southeastern Europe Cooperation Initiative (SECI) launched on December 6, 1996, was proposed by the United States of America through Ambassador Schifter, by the President and by the State Secretary of the USA. The member states of the Southeastern Europe Cooperation Initiative are Albania, Bosnia-Herzegovina, Bulgaria, Former Yugoslav Republic of Macedonia, Greece, Hungary, the Republic of Moldova, Romania, Turkey, Croatia, Slovenia. The purposes of the Initiative were to increase regional cooperation and to assure stability in the countries of South-Eastern Europe, assuring their access to European integration. This is accomplished through encouraging the cooperation process and exteriorization of solutions of resolution economic and environmental problems. Thus, under the auspices of SECI the participating countries attempt to approach in common the existent problems in various fields and aspects related to regional development, through encouragement of information exchange, initiation of interstate programs and attracting private capital for the supplementation of financial sources.

The work reunions of the representatives of SECI participant states take place on an urgent basis, promptly, through organizing of *ad hoc* work groups composed of experts and specialists responsible of the successful organization of reunions. SECI offers a High-Level Personality (HLP) of the decisions taken by the participating countries facilitating the implementation of various regional projects. The High-Level Personality offered by SECI may work as an assurance that the decisions and programs proposed by the participating states will be successfully implemented.

Southeastern Europe Cooperation Initiative should not overlap with or double the existent projects or initiatives. It aims to work along with other cooperation initiatives in the region, including the European Union, the Sofia Declaration regarding the relations of good vicinity, Stability, Security and Cooperation in the Balkans, Central European Initiative and Economic Cooperation in the Black Sea Basin. The international financial institutions, the European Union, the United States of America and other interested parties are invited to grant the necessary assistance to the member states of SECI, through the consulting role, through concrete actions in view of forecast, analysis and expertise of the projects proposed for realization.

B) Common points of view established between the European Union and the United States of America

The European Union and the United States of America have decided upon the following basic principles regarding the process of Cooperation in South-Eastern Europe:

1. The purpose of the Southeastern Europe Cooperation Initiative consists in assuring stability in the region through economic development, assuring the optimal climate, attracting the private sector in the organized actions.

2. SECI will complete and amplify the activity of other initiatives implemented in the region, including the process of stability and good vicinity in South-Eastern Europe initiated by the European Union, however not doubling its functions.

3. It is important that the initiative be received and accepted mainly by the countries from the region, i.e. by the participants.

4. All countries of the region are invited to participate in SECI. As long as the participation of the Former Yugoslav Republics remains the subject of the agreement, these will not be harmed or limited to participation in the international organizations and will not be subject to any other restrictions. However, the participation of the Former Yugoslav Republics will not influence the policies of the European Union and of the United States of America regarding the relationships between these republics and the European community.

5. The countries participating in SECI will choose the High-Level Personality in order to favor the activity of the Initiative.

6. The secretarial activity, or other professional activities aiming to assure the High-Level Personality, will be supported by the experts from the USA, EU and other international organizations.

7. SECI will focus its attention to the projects, which will not create competition to the projects of the similar organizations or initiatives in the region, including the policies implemented by the European Union in the region.

8. The international financial institutions, the EU, the USA may participate in the projects initiated by SECI depending on case. They may assist the activity of the projects through organization of expertise in the field.

9. SECI will not impose requirements regarding additional financial obligations. As a result, the SECI participating states will not consider such initiative as a reason for asking additional financial sources from the USA and from the EU.

C) Work methods

The Southeastern Europe Cooperation Initiative approaches common economic problems and encourages the countries from the region to participate actively in their solution. SECI is not an integration group, it is a flexible network (structure) for launching and execution of certain programs and specific projects according to the interest of the participant countries. SECI creates an optimal environment, a vast span, which leads to accomplishments of the projects, providing the necessary means for this process.

The SECI participant states operate through the Agenda Committee, assisted by a Coordinator and the United Nations Organization, and by the United Nations Economic Commission for Europe (UN-ECE). The Coordinator was appointed by the President of OSCE subsequent to a consultation with the representatives of the OSCE member states. Presently the General Coordinator of SECI is Dr. Erhard Busek (former deputy chancellor of Austria).

The responsibilities of the General Coordinator are:

- Assurance of coordination and interaction between the SECI participant countries;
- Convocation of sessions of the Agenda Committee and approval of the reunion Agenda;
- Assurance of accomplishment continuity of the decisions taken by the SECI representative;
- Consultations with the Executive Secretary of the ECE for Europe (ECE-ONU);
- Monitoring and implementation of SECI programs and projects;
- Mobilization of financial resources originating from bilateral and multilateral sources, including those from the private sector ;
- Information of the European Union, the Organization for Security and Cooperation in Europe (OSCE) and other relevant sub-regional, regional and international organizations about the SECI activity and about the cooperation opportunities.

Each of the participant governments appoints an official person, preferably a person with relevant economic background to activate within the Agenda Committee, which is a supreme body of the Initiative, capable to take decisions, to determine the priority objectives and to evaluate the activity results.

The Agenda Committee is called by the General Coordinator once in two months for the examination of future projects, which are to be implemented by the interested countries and for the monitoring of the developing projects. The sessions of the Agenda Committee take place under the presidency of the General Coordinator. It was proposed that the reunions of the Agenda Committee be flexible, without any procedure rules.

The projects and proposals are presented by the member-countries of ECE or by other interested partners in order to propose them eventually for approval by the SECI countries. In order to examine each project separately, the Agenda Committee convokes work groups composed of experts of the interested countries, international financial institutions, ECE, and the private sector.

Each work group aims to perform technical and financial feasibility studies regarding the proposed projects, examining the sponsorship possibility. SECI is not the executor of the projects; it is the catalyzing force, which cumulates the common efforts of the participant countries in view of achievement of pre-established objectives.

The South-Eastern Europe Cooperation Initiative is technically assisted by the United Nations Economic Commission for Europe (UN/ECE). Using its contact networks established in the region, conventions, norms, standards and its general principles, the Economic Commission for Europe aims to facilitate and to simplify the cross-border operations and to implement the necessary mechanisms for solving existent problems.

Cooperation between the South-Eastern Europe Cooperation Initiative and the Economic Commission for Europe is based on the procedure rules of the United Nations Organization.

As a conclusion for the above mentioned facts, we may assert that the South-Eastern Europe Cooperation Initiative, appeared in the period of the most potential and dangerous conflicts emerged over the centuries in the Region, was and still is nothing else than the clearly determined will of the member countries to cooperate and integrate, aiming to improve the economic situation, to assure security and stability in the region.

2. STABILITY PACT FOR THE SOUTHEASTERN EUROPE

In the context of the Kosovo crisis, on April 8, 1999, the presidency of the European Union organized, in Luxemburg, a reunion of the foreign affairs ministers of the EU member countries and the neighbor countries (Federal Republic of Yugoslavia, Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Former Yugoslav Republic of Macedonia, Romania, Slovenia, Hungary and Turkey), where the representatives of certain international organizations and institutions participated. With this occasion, Germany launched the initiative to develop a Southeastern Europe Stability Pact. Germany's proposal was followed by other similar initiatives, coming from such countries as Greece, the USA, Turkey, as well as from certain regional organizations.

The document proposed by the European Union presidency was discussed at the reunion of political directors in Bonn, on May 27, 1999, and signed on June 10, 1999 in Köln by the ministers of foreign affairs of Albania, Bosnia-Herzegovina, Bulgaria, Croatia, Hungary, Romania, Russian Federation, Former Yugoslav Republic of Macedonia, Turkey, the United States of America, President of OSCE and the Representative of the Council of Europe, ministers of foreign affairs of Canada and Japan, Representatives of UNO, High Commissioner for Refugees (UNHCR), of NATO, OECD, WEU, the International Monetary Fund, the World Bank, the European Investment Bank and European Bank for Reconstruction and Development, as well as the representatives of Raymont Process, of Economic Cooperation of the Black Sea, Central European Initiative, South-Eastern Europe Cooperation Initiative and the Process of South-Eastern Europe Cooperation.

The objective of the Stability Pact is to create a South-Eastern Europe characterized by peace, democracy, prosperity and integration with the European structures.

The main policies and mechanisms at the base of the Stability Pact are:

- The implementation of the Stability Pact complies with the provisions of the UNO Charter, OSCE principles, relevant documents of the Council of Europe, especially the European Convention on Human Rights;
- The European Union has a leading role in the creation of the Stability Pact and acts for stimulation of cooperation and good vicinity projects among the regional states;
- The European Union actively supports the countries of the region in the achievement of the objectives mentioned in the Pact and, in this sense, convokes conferences of donors for economic reconstruction and development;
- OSCE holds a key-role in strengthening security and stability;
- A special role is played by the international and European institutions and organizations (UNO, Council of Europe etc.), by such countries like the USA and Russia, as well as by certain regional initiatives (SECI, CEI, SEEC, OCBS etc.);

- The implementation mechanism of the Stability Pact is composed of the regional Table for South-Eastern Europe, which represents an international conference of the countries participating in the Pact; the regional Table is completed by the following sub-structures/working tables: democratization and human rights; economic reconstruction, development and cooperation; security problems.

The regional Table for South-Eastern Europe assures the coordination of its own activities, as well as of the following working tables acting based on the initiatives, institutions and existent expertise, which may be structured in the following working tables:

- Working table 1 – for democratization and human rights;
- Working table 2 – for economic reconstruction, development and cooperation;
- Working table 3 – for security problems.

The Regional Table for South-Eastern Europe and the working tables are made up from the participants of the Stability Pact. The facilitating countries, organizations, institutions, as well as the regional initiatives, mentioned in the first paragraph of this document, have the right to participate in the working tables and in the Regional Table for South-Eastern Europe, upon desire. The neighbor countries, as well as other countries, especially those interested, associated to the EU or important international organizations, may be invited as participants or with the observer status, according to the case, which does not signify a future engagement towards the Regional Table for South-Eastern Europe and/or towards the working tables, but rather a contribution to the achievement of the objectives of the Stability Pact.

The activity within the Stability Pact will take into consideration the specific situation of the participants. In order to accomplish the objectives of this Pact, an efficient coordination between the participating and facilitating countries, which possess the necessary expertise as to contribute to the common effort, is assured. There is a hope for an active and creative participation of all interested parties to create the conditions, which will allow the region countries to utilize the opportunities given by this Pact. Each participant has the task to assure that the objectives of the Stability Pact are promoted, through their participation in all the important organizations and institutions.

Financial assistance

The Stability Pact contains general elements regarding fund allocation. In this sense, the elements of the general financial assistance framework were established:

- The financial assistance consists of a mosaic of measures, like preferential and non-repayable credits, stimuli for private investments, engaging the local companies in the reconstruction process;
- The list of beneficiary countries was finalized: Romania, Bulgaria, Croatia, Albania, Macedonia, FR of Yugoslavia and the Republic of Moldova (starting on June 28, 2001);
- The donors were designated (EU, USA, Canada, Japan, the World Bank, International Monetary Fund etc.)

Starting with the month of June 1999, the administration of the entire process limited to the Stability Pact was assured by Mr. Bodo Hombach. Presently, the Special Coordinator of the Stability Pact, appointed by the EU and confirmed by the chief in office of OSCE is Erhard BUSEK, who kept the function of SECI Coordinator.

Objectives

- Prevention and elimination of crises as a pre-condition for a sustainable stability. It includes concluding and implementation, between signatories, of multilateral and bilateral agreements, as well as taking measures at the internal level, in order to overcome the actual conflict potential;
- Maturity of democratic political processes, based on free and fair elections, based on law supremacy and fundamental human rights and liberties, including the rights of the national minorities, existence of an independent and free press, a legal power held responsible in front of the electors, independent justice, fighting corruption, consolidation and development of civil society;
- Establishment of peaceful and good vicinity relations in the region, with strict observance of the principles of the Helsinki Final Act, consolidation of confidence and reconciliation, support of the efforts of OSCE and of other forums in the establishment of regional measures for building confidence and cooperation mechanisms for security;
- Preservation of the multinational and multiethnic character of the regional states and minority protection;
- Creation of viable market economies, based on wise macro-economic policies, markets open to increasing international trade and private investments, functional and transparent commercial and customs regimes, development of local capital markets and of the differentiated regime of property, including privatization, as measures which will lead to the prosperity of all citizens;
- Establishment of economic cooperation in the region and between the region and the rest of Europe and the rest of the world, including through the creation of free-exchange zones; non-restricted promotion of contacts between citizens;
- Fight against organized crime, corruption, terrorism and all other criminal and illegal activities;
- Prevention of forced migration of the population because of war, persecutions and internal conflicts;
- Assurance of free return of all refugees, and assistance, in the same time, of the countries confronted with the refugees problem.
- Creation of conditions for the countries of South-Eastern Europe, for complete integration with the political, economic and security structures, according to their choice.

The inclusion of the Republic of Moldova as a member-state with full rights in the Stability Pact for South-Eastern Europe on June 28, 2001, represented an important event for our country, because we adhered to an international body, which proved its viability, becoming an important institution for promotion of democracy, economic growth, stability and security in the Region. The Republic of Moldova has undertaken a series of commitments, upon implication in the initiatives of the Stability Pact, relative to implementation of multiple reforms in the economic, security, judiciary, commercial, democratic fields and guarantee of human rights, etc.

SPAI and SPOC Initiatives

Stability Pact Anticorruption Initiative (SPAI) was adopted in February 2000 by the partners of the Stability Pact during the Sarajevo reunion.

The SPAI is constituted from a compact plan of action within which the South-Eastern European countries have united for timely and definite actions, willing to pass to specific reforms in the following fields:

- Implementation of instruments regarding European and international methods;
- Promotion of a productive cooperation between the state structures and the pertinent services;
- Consolidation of the legal framework and promotion of the role of jurisprudence;
- Promotion of transparency and integrity in affairs and transactions;
- Promotion of an active civil society.

The Initiative is coordinated by the Administrative Committee.

Accepting the SPAI initiative, the international community has undertaken the obligation to support the countries of the region through its technical means of collaboration. The Council of Europe contributes through the Program of Combat of Corruption and Organized Crime.

The criminal situation in South-Eastern Europe has determined the member countries to participate in reforms and common actions under SPAI (elaboration and implementation of certain new acts and legal instruments, consolidation of the legal framework, which regulates the relationships in the field of fighting corruption and organized crime). This fact created a strong alliance among politicians, legislators, businesspersons, representatives of civil society, of institutions, of international and non-governmental organizations, which determined them to retort against the actions and socially dangerous phenomena, which take place in the region.

The SECI Regional Center for Preventing and Combating Cross-border Criminality, Bucharest, Romania, is concerned with the same objectives, it vastly collaborates with the Stability Pact in general, and with SPAI in particular. Specific actions and operations aiming to combat and prevent traffic in humans, money laundering, financial crimes, smuggling with various products etc. were developed and implemented by the SECI Regional Center.

Subsequent to the second high-level Reunion of the countries' presidents and prime ministers and to the 21st Conference of the European justice ministers, corruption, organized crime and money laundering were recognized as qualitatively new factors, which jeopardize citizens' security and the basis of democracy. The problem of prevention and combat of these phenomena became a priority for the Council of Europe. The activity of the Council of Europe in this context is focused on three main directions: a) identification and establishment of standards, b) monitoring their implementation and the effectiveness of national measures, c) granting the necessary assistance, especially to the member-states as well as to the applicant countries.

Corruption represented an increasing danger for any democratic country and for any democratic institution. Based on the action plan adopted by the presidents and prime ministers

during the second high-level Reunion, the Council of Europe started its main campaign in this field.

The Multidisciplinary Group on Corruption was established in 1994. In 1995, this Group developed a Program of Actions against Corruption (PAC), which comprised all aspects of the international efforts concentrated on efficient combat of this phenomenon. The actions undertaken by the Multidisciplinary Group on Corruption have grown to a large scale. A series of legal instruments regarding this field have been approved:

- **Resolution (97) 24**, which includes 20 basic principles in the field of fighting against corruption, determining the key-priorities for obtaining the most eloquent and efficient results;
- **Criminal Law Convention on Corruption (ETS No.173)**, which tends to harmonize the national legislation, to unify the corruption definition, to apply new measures for penal compulsion, to improve international cooperation in view of applying justice on offenders,
- **Civil Law Convention on Corruption (ETS No.174)**, which contains the definitions of corruption as a socially dangerous phenomenon, of compensations and reparation of damages, of responsibilities (including state responsibility), of negligent contribution, of limited terms, of legality of contracts (transactions), of public servants protection, of accounts, of preventive measures and of international cooperation.
- **Recommendation (2000) 10** regarding the ethical code of public servants. A sample ethical code for public servants was elaborated.

Stability Pact initiative against organized crime in Southeastern Europe (SPOC) (the III-rd Working table) – was approved during the reunion of the Working table number 3, on October 5, 2000 in Sofia. The Initiative was elaborated by the Special Coordinator of the Stability Pact, European Commission, General Secretary of the Council of the European Union, Europol, Interpol, OSCE, Southeastern Europe Cooperation Initiative (SECI), Central European Initiative (CEI), Adriatic Sea Initiative and the European Council.

The public authorities of the countries from South-Eastern Europe have started to perform special studies on organized crime as a socially dangerous phenomenon. Knowledge and information regarding the possibilities and activity methods of organized criminal structures are very limited.

According to the obtained data, there is a confidence that the representatives of organized crime act on a vertical basis, i.e. hierarchically (implying representatives of state structures) as well as on a horizontal basis, forming certain organizations or acting in separate networks composed from a number of persons. Neither specific particularities nor general principles of creation and organization of criminal groups have been determined. These groups are organized in various ways:

- Based on the old political or economic nomenclatures, attracting the participation of representatives of special security services;
- Others emerge from ethnical or national aspirations;
- Are organized by external factors and are lead by more powerful foreign criminal structures;
- Have emerged as a result of consolidation of blackmail, extorting and racket;
- Have benefited from a favorable occasion, an economic process (privatization for example) or a political conflict.

The aspects of criminal or illegal activity frequently dissolve in the legal activities because the product of criminal activity or revenues are “laundered” and invested in certain lawful economic affairs. Here persists an enormous danger due to the fact that the business world is transformed into a criminal activity, while the relationships between the representatives of the political criminal world become stronger.

The criminal groups from South-Eastern Europe are most frequently involved in such phenomena as:

- Blackmail, extortion and racket
- Smuggling with various products in large and extremely large quantities
- Illegal proliferation of weapons
- Organization of illegal migrations
- Traffic in humans for slavery and sexual exploitation
- Drug trafficking
- Stealing vehicles
- Offence related to the intellectual property rights
- Offence related to the environment
- Counterfeit of documents and money
- Economic offence and swindling
- Fiscal offences
- Money laundering

The Governments of the countries from the region have accepted the unique policy and have undertaken common actions focused against organized crime.

It is obvious that the actions of fighting organized crime cannot be limited only to the organization of reunions, symposiums, formulation of recommendations and action plans, without following a strict continuity. Technical cooperation between the countries of South-Eastern Europe is of great importance.

SPOC – at its own initiative, provides the actions of fighting against crime with a major valence, through the accomplishment of the following:

- Exact and exhaustive identification of each problem. Prompt determination of the purposes to accomplish in strictly determined timeframes;
- Mobilization of resources offered by the international community aiming to attain the desired objectives;
- Assurance of coordination and concentration of assistance on strategic targets;
- Creation of conditions in which the Governments of South-Eastern European countries and other partners undertake the obligation to act in unanimity, in an organized and efficient way against the acts undertaken by the representatives of the criminal world.

Another moment of special significance for SPOC activity is the establishment of a good collaboration with the international institutions and organizations, programs and initiatives like South-Eastern Europe Cooperation Initiative (SECI), European Union, Council of Europe, INTERPOL, EUROPOL, Central European Initiative, OSCE, World Bank, International Monetary Fund etc.

The objectives of the SPOC Initiative, intersperse with the fields of activity of the Regional Center on Preventing and Fighting Cross-border Criminality from Bucharest. A very beneficial and constructive cooperation was established between these two organizations.

At the official presentation of the Annual Report on the activity of the SECI Regional Center in 2001, which took place on February 25, 2002 in Bucharest, Romania, the Special Coordinator of the Stability Pact for South-Eastern Europe and the Coordinator of South-Eastern Europe Cooperation Initiative – Dr. Erhard Busek said that organized crime continues to represent a danger for any democratic state, for the social processes, for economic reforms, for the security and stability in the region, and these are the main objectives of the Stability Pact and of SECI. Thus, in fighting against organized crime there is a clear necessity that the actions of the Stability Pact and of SECI be convergent.

Dr. Busek has also communicated that after the creation of the SPOC Initiative, the second step of vital importance was the creation of the SPOC Secretariat. As a result, Dr. Busek suggested that the SPOC Secretariat be placed within the SECI Regional Center for fighting against Cross-border Criminality, in Bucharest.

The factors, justifying the proposed opportunity are the following:

SPOC Initiative and SECI Regional Center are directly involved in fighting the phenomenon of organized crime in the region. Both organizations have the same purposes, objectives and the same “relationship”. It would be rational that the cumulating of human and financial resources takes place, aiming to fight cross-border organized crime.

The SPOC Initiative and SECI Regional Center are real partners in their activities of fighting against cross-border organized crime, which will have to search and find common economic solutions for a tight cooperation.

The legal aspect

The SECI Regional Center offers to the SPOC Initiative all facilities according to the Memorandum of Agreement, which promotes the legal conditions for a future cooperation between these States and regulates the ways of harmonization and coordination of the common strategies and projects.

Organization and logistics

Organization could take place according to the annual common strategic Plan on operational activities. Logistics is related to the progress of results pertaining to previous measures. The offices (bureaus), the equipment may be provided by the SECI Regional Center.

3. SECI REGIONAL CENTER FOR PREVENTING AND FIGHTING AGAINST CROSS-BORDER CRIMINALITY (SECI CENTER)

a) Reasons and conditions leading to the establishment of the SECI Center

The evolution of the majority of countries from South-Eastern Europe was influenced during the last decade by major political changes, transformations from the centralized economy to the market economy, by broad opening of the borders and increasingly active participation in the economic process of globalization.

The economic and social progress is seriously influenced by the alarming increase of criminality at the national and transnational level, which becomes a serious risk factor referring to the democratic state, democracy and human rights, of the economic reforms and not in the last place, referring to the security and stability in the region.

It is ascertained more and more often that these countries have become increasingly often preferences for transnational criminal networks, which perform:

- Illegal drug trafficking
- traffic in humans, especially for sexual exploitation
- traffic of stolen motor vehicles
- traffic of fake money
- fraud and tax evasion
- money laundering etc.

The performed analyses have highlighted the weakness of public institutions, the difficulties in research and accusation of offenders, lack of human resources, legislation imperfection, along with tight coordination at the level of police, customs, justice agencies within or between countries, are factors which facilitate criminality and especially its organized forms.

The participating countries in SECI, acknowledging these dangers, as well as the necessity of regional coordination, proposed in 1998, during a reunion of the SECI initiative, to conclude a multinational agreement on fighting against cross-border criminality.

The proposal was accepted by all countries and supported by the USA, the European Union and specialized international organizations: OIPC-INTERPOL and World Customs Organization.

After multiple negotiation rounds, held at a high level or by groups of experts, the “Cooperation Agreement on Preventing and Fighting against Cross-border Criminality” (SECI Agreement) was concluded on May 26, 1999 in Bucharest. This agreement has been signed and ratified until present by Albania, Bosnia and Herzegovina, Bulgaria, Greece, FYR of Macedonia, Republic of Moldova, Slovenia, Turkey and Romania.

In Romania, the project was coordinated by the Customs Department in cooperation with the Ministry of Internal Affairs, with diplomatic support from the Ministry of Foreign Affairs.

Appreciating the contribution and initiative of Romania, the SECI Agreement established that it would host in Bucharest the headquarters of its implementation initiative, accordingly the Regional Center of South-Eastern Europe Cooperation Initiative – SECI – on Fighting against Cross-border Criminality (SECI Center).

The SECI Center became operational on November 1, 2000 after signing at the highest level of the Headquarters Agreement between Romania and the Regional Center of South-Eastern Europe Cooperation Initiative – SECI– on Fighting against Cross-border Criminality (SECI Center) on October 2, 2000 in Bucharest; it obtained juridical personality and a bank account etc.

b) SECI Center and enforcement of the main conventions and international agreement on fighting cross-border criminality, especially its organized forms

In order to implement the provisions of SECI Agreement, the SECI Center had to take into consideration and enforce:

- Conventions and recommendations of the Council of Europe for facilitation of cooperation in the criminal field, for fighting against organized crime, money laundering, assurance of data protection etc.
- Conventions and other legal instruments of the United Nations such as the three conventions on combat of illegal drug trafficking, accordingly the Convention on Fighting Organized Crime signed in December 2000 in Palermo.
- Accords and bi/multilateral agreements concluded between the parties of the SECI Agreement.
- National regulations in the field.

The SECI Agreement, accordingly the SECI Center, is established within a reference framework for supporting the states of the region in their process of adherence, of European integration in the fields of justice and domestic affairs. Thus, without interference with the commitments of the applicant countries to the European Union (EU), the SECI Agreement represents a common activity, of inter-agency cooperation (police-customs), with observance of relevant international conventions and agreements.

In addition, through the participation of the EU member countries as permanent observers in the activities of the SECI Center, a permanent experience exchange will take place, as well as an assuming of certain specific procedures.

The SECI Center, in the near future, may become the body implementing the objectives of the Stability Pact (table III) – fighting against illegal drug and human traffic, accordingly of the Stability Pact initiative against organized crime in Southeastern Europe (SPOC).

c) Objectives of the SECI Center

The SECI Agreement aims to strengthen the capacity to act against cross-border criminality in South-Eastern Europe, according to the European standards and other relevant international regulations.

The following objectives are basically pursued:

- Elimination of obstacles in the way of an efficient international cooperation;
- Intensification of cooperation at the operational level in the police and customs fields through the creation of an adequate exchange of data and information, taking into consideration the rules of confidentiality and protection of enacted data;
- Facilitation of investigation of illicit acts in the customs field through which major tax evasions and underground economy develop;
- Technical assistance among countries, exchange of experience, common training of specialists;
- Facilitation of certain enforcement of criminal (judiciary) assistance: rogatory commissions, providing witnesses and experts, goods sequestration etc.;
- Stimulation of cooperation through the creation of common task forces or research teams at the operational level focused on the annihilation of the main networks of offenders that activate in the region, such as drug trafficking, traffic in humans, etc.
- Establishment of some direct operative links with the support of the World Customs Organization and OICP-Interpol, for the operative data and information transmission.
- Legislative harmonization;
- Permanent assessment of the situation of criminality in the region, of the risks and possibilities of facilitation of cross-border organized crime, of the best practices, methods and technologies used for the suppression of cross-border criminality.

d) Structure and function of SECI Center

The leadership of SECI Center is provided by:

- *Common Cooperation Committee*, which is the supreme institutional body. The Committee is formed of the representatives of the states that have signed and ratified the SECI Agreement. Each state has the right to one vote. The Committee is mainly responsible of correct enforcement of the SECI Agreement, examination of all the problems appeared from its enforcement, approves the budget and supervises the expenses, etc.

- *Executive Management*, with competence of execution and effective management of the activities of SECI Center. It consists of a general director and two deputy directors;

- *Administrative structure* consisting of operative department, legal department, administrative department, secretariat and technical-administrative staff.

According to the Committee, the director of the legal department also performs the function of the general director and the other two deputy directors manage the other two departments.

Presently, the leadership of SECI Center is provided by:

- **Gabriela Konevska**, general director and chief of the legal department (representative of the Customs Administration of FYR of Macedonia);
- Brigade general **Ferenc Banfi**, deputy director and chief of the operational department (representative of Hungarian Police);
- General of Division **Alexandru Ionaș**, general director (on behalf of Romania) and the chief of administrative department.

The Committee has approved two important documents:

- The regulations of the committee (the procedure rules of the Common Cooperation Committee);
- Regulations of Organization and Functioning of the SECI Center.

The committee is working of the approval of the General Rules regarding the Exchange of Information.

The SECI Center includes:

- *Connection officers*, appointed by each state signatory of the SECI Agreement, the representatives of the main national institutions involved in the combat of cross-border criminality (police and customs);
- *Permanent observers*, accordingly the representatives of some countries from Europe and the United States of America, which are not signatory of the SECI Agreement but wish to cooperate with the SECI Center in the combat of cross-border criminality;
- *Representatives of OIPC-Interpol and World Customs Organization*, as international organization in the field, with a support and advisory role of the activity of SECI Center.

The SECI agreement created a legal framework necessary for the cooperation between the member countries through the provision of mutual assistance in the accomplishment of criminal or customs cross-border investigations.

Thus, through the connection officers, (usually police and customs officials) the following activities will be accomplished:

- Exchange of information of operative interest;
- Maintenance of efficient communication channels;
- Technical assistance through the exchange of professional, scientific and technical knowledge;
- Legal assistance;
- Controlled delivery of drugs;
- Common task forces, etc.

For the achievement of this goal, the SECI center, through its executive and administrative structure, assures the necessary utilities as well as the good accomplishment of the particular activities.

e) The role of the Republic of Moldova in the development of SECI Center

For the fulfillment of the duties that result from this quality, the Republic of Moldova found the best solutions for the following stringent problems:

- Nomination of the specialists and experts for their participation in their development and negotiation of the project of the coordination agreement in the southeastern Europe for the prevention and combat of cross-border criminality;
- Signing of the Cooperation Agreement in the southeastern Europe for the prevention and combat of cross-border criminality, on May 26, 1999;

- Ratification on November 11, 1999 by the Parliament of the Republic of Moldova of the Agreement of Cooperation in the Southeastern Europe for the prevention and combat of cross-border criminality, signed in Bucharest on May 26, 1999;
- Adoption by the Government of the Republic of Moldova of the Decision no. 815 from August 13, 2001 “regarding the creation of the National Office of the Southeastern Europe Cooperation Initiative (SECI)/ Regional information exchange office (RILO);
- The detachment by the Customs Department of the Republic of Moldova of a connection officer for the activity within the Regional Center for the combat of cross-border criminality;
- The Customs Department of the Republic of Moldova has promoted the creation and organized the activity of the National Office of the Southeastern Europe Cooperation Initiative (SECI)/ Regional Information Link Office (RILO), designed to maintain permanent operational connections with the SECI Center;
- Provision of the links of communications between the SECI Center and the Moldovan institutions cooperating with it.

The solution of these problems lead implicitly to the increase of efficiency of the efforts undertaken by the Republic of Moldova with then some prestigious international organizations such as OSCE, stability pact, Black Sea Economic Cooperation, bilateral for trilateral agreements concluded with the countries from the region.

On February 25, 2002 in Bucharest, Romania, there was a regional conference with the occasion of official presentation of the annual report of activity of SECI Center for the year 2001. According to the report, in the course of the last year, 3112 information were exchanged, including 1874 with the connection officers in 900 cases. Out of these, 449 were related to the human traffic, 236 - drugs, 251 - commercial frauds, 126 -stolen motor vehicles, 85 - counterfeit documents, 71 terrorism, 656 – other fields.

In three months of activity (November 2001 – January 2002) of the connection officer of the Customs Department of the Republic of Moldova within SECI Center, Bucharest, was accomplished the operational exchange of about 80 information, including 50 related to commercial frauds, 18 – illegal traffic in humans, 12 – the use of counterfeit documents. As a result of this activity, were discovered numerous cases of smuggling, customs frauds related to under-evaluation of the declared goods, false exports, etc. One of the most important successes obtained during operational cooperation of the Customs Department and the SECI Center was the opening of the criminal case on contraband with consumer commodities evaluated at approximately 220 thousand USD. Even if the SECI Regional Center is an international organization, which is operatively involved in customs-police activities, the Ministry of Internal Affairs of the Republic of Moldova has not found until present the possibility to detach its connection officer for performing its attributions within this organization.

4. THE SITUATION AT THE BORDERS OF THE COUNTRIES FROM SOUTHEASTERN EUROPE. REGIONAL PROBLEMS, DIRECTIONS OF ACTIVITY. CONCLUSIONS FOR MOLDOVA

The majority of the state from the region knew in the last years, profound political and economical crises, armed conflict, terrorism acts. In this zone a great proportion took the corruption, the organized crime, the traffic with human beings, drugs, weapons, etc. The level of the measures of consolidation of border security differ from country to country, due to the different level of economic development of each country from the region, geopolitical situation or association with certain international agreements and conventions.

Thus, Greece is member of NATO and European Union, Turkey – member of NATO, Romania, Bulgaria, Slovenia, Slovakia, FYROM, Albania are NATO candidates and some of them prepare to adhere also to the European Union. In this context, each of the mentioned states has to honor certain special obligations also regarding the measures of optimization of the control and consolidation of border security.

In this period, all the countries from the region take a test of endurance to the effects of globalization and political, economic, financial and social interdependence. All these impose:

- Reestablishment of sustainable growth in conditions of confrontation with the first simultaneous recession in the new global economy;
- Planning and consolidation of a new consolidated security capable to face the new threats;
- Redefinition of the new challenges for the business environments at the national and global level with the substantial consequences upon the countries in need of investments and open commercial relationships, such as the case of the Republic of Moldova.

The Stability and security in the region largely depends on the situation at the border, on the management, on professional training of the personnel, way of adjustment of control to the international standards. It is important to know how is the organization and administration of the national integrated control of the borders by the customs structures, border police (border guards) and other auxiliary authorities placed in the control area and what is the necessary legal basis that regulates the border control.

In this sense we can mention that for the facilitation of transit of transportation means, goods and persons across the border it would be appropriate to create common control posts, place on either side of the border, the control being performed by common bilateral teams composed of the representatives of the authorities empowered with the right of control on both sides. This method would lead to the fact that the transportation means will be stationed in the control area only in one place, established according to bilateral principles. It is absolutely necessary to avoid the doubling of competencies of control bodies.

In order to favor the foreign trade, the freight and passenger traffic and at the same time to provide the security at the borders, it is necessary to capitalize the infrastructure of transit points (supplementation of traffic lines, modernization of special services), to reduce the additional taxes collected by the auxiliary bodies stationed at the control posts (veterinarian, environmental, phytosanitary services, etc.), to place the auxiliary control bodies outside of the control area.

The objective reality dictates the necessity of promotion of certain special measures at the national level. I am referring to the promotion of a tight collaboration and cooperation among the numerous national agencies situated in the control posts, expressed through:

- Consolidation of local contacts through the common reunions, seminars, actions;
- Assurance of observance of the national legal framework and the norms of international law by all agencies from the control zone;
- Exchange of information in diverse fields (about the introduction of new procedures, fees, technologies, methods, etc.);
- Creation of a common informational database;
- Exchange of information designed to favor the freight traffic and to combat the fraudulent activities, etc.

The most severe problem in the aspect of provision of security at the borders of our country is the self-proclaimed Transnistrian Republic and the regime in stalled in this region for 11 years. The assassinations, corruption, smuggling, illegal production and proliferation of weapons became usual and common things for those from Bender and Tiraspol. Due to close connections between the state structures and the criminal world, Transnistria was re-baptized as “Sheriff” Republic. The Plants “Electromas” and “Pribor”, besides the produced industrial goods (electric motors, solar batteries, devices to produce noodles) also produce in rather large batches pistols, machineguns, grenade launchers “Gnom”, “Pcela”, rocket launcher “Grab” and “Katrin”. These weapons are sold to Afghanistan, Pakistan, Chechnya and Iraq.

The attempts of Moldovan authorities to provide the control along the entire Moldovan-Ukrainian border (including the Transnistrian region) were not successful, despite the fact that the parliaments of the Republic of Moldova and Ukraine have ratified the bilateral agreement regarding the delimitation of the borders between these two countries. Moreover, the withdrawal of customs licenses, which were used by the customs service of Transnistria – as a method of economic isolation of this region, also failed to provide the expected results.

Despite the information and official notes of our country to the neighbor countries not to recognize the customs documents with Transnistrian symbolic – Ukraine, Belarus and other CIS countries did not react in the appropriate way.

The border with Ukraine is extremely transparent. Besides the legally established customs posts, there are tens of secondary pathways at the border which are not covered by the structures with control functions at the border. It is necessary to provide the necessary infrastructure for the accomplishment of control along the entire Moldovan-Ukrainian border, to endow the control posts with the necessary equipment and to increase the personnel of the customs structures.

From what we see it is clear that in this situation the international cooperation with the authorities of the neighboring countries and of the countries from the region of the country is very important. So, the Customs Department of the Republic of Moldova elaborated the strategy of development for 2002-2005, according to the recommendations of the World Bank, with the purpose to start the negotiations of implementation of the regional project “Facilitation of Trade and Transportation in the Southeastern Europe”. This project is being implemented already in six countries from the region: Romania, Bulgaria, Croatia, Albania, Macedonia and Bosnia-Herzegovina. Yugoslavia is in the preparation phase.

The basic objective of this strategy is the customs modernization and regional cooperation, objective that could be accomplished through:

- (i) Reduction of non-tariff costs of the trade and transportation;'
- (ii) Reduction of smuggling and corruption of the border customs, and;
- (iii) Consolidation of institutional and professional capabilities of the Customs Service.

The implementation of this regional project, considered to be one of the projects of Stability Pact, has the purpose of mutual consolidation and information exchange regarding problems related to trade and transportation, for the facilitation of trade and transportation exchanges in the Southeastern Europe. By implementation of this Strategy, the Department will have the possibility to reduce, in common with the participant countries, the costs implied by the commercial and transportation exchanges at the border and to reduce the smuggling and corruption at the customs, as well as to consolidate the regional partnership and expansion of regional trade. This regional program is partly financed by IBRD, International Development Association of the World Bank and other financial organizations. In the case of the Republic of Moldova, this project will be also supported by some foreign donors.

The strategy exemplifies the instruments and mechanisms of implementation that will contribute to the development of some performances regarding the attributions of customs structures, particularly related to:

- Improvement of legal framework
- Optimization of technologies of customs control depending on the specific sector of activity;
- The development of the infrastructure of the Customs Service of Moldova;
- Training and re-training of customs personnel, improvement of the level of professional training;
- Combat of smuggling and customs violations;
- Collection of customs fees, statistical record of transactions and computerization of the customs system;
- Collaboration with relevant international structures and promotion of trade.

One of the basic components of the project is the implementation of ASYCUDA⁺⁺ system, developed by the UNO and officially recommended to the countries lacking a modern statistical system, its updated variant. The implementation of ASYCUDA⁺⁺ will considerably improve the methodology for the elaboration of customs statistics and the ones related to foreign trade and will replace the present software created 8 years ago. This system will be adjusted to the needs of the Republic of Moldova and will allow and exchange of data between all the relevant institutions interested in operative information for the achievement of the legitimate objectives of the country.

The Border Guard Troops' Role in controlling and functioning the State Border

Col. O.Graur, expert of IPP

The state border is the integral attribute of any state, tool designated to limit the state territory and a means, ensuring the prevention of the illegal goods and people's penetration on the country's territory. With the purpose to maintain the state border regime the state is compelled to contain forces and means, which directly provide the state border protection. In case of the Republic of Moldova such forces are—the Border Guard Troops, means—military equipment, engineering and surveillance equipment that has on hand the Border Guard Troops.

The state border is a line determining limits of the state territory. It is established under the agreement between the appropriate states by means of delimitation and demarcation. The state border's establishment is carried out on the basis of the treaties on state border, which in turn, as a rule, is based on the treaty on good neighborhood and cooperation between neighboring states. In that sense, the first part of the actual state border, that back in soviet time was a state border between Romania and USSR, was established on the basis of the Peace Treaty between the USSR and Romania's, first clause, which has entered in action on September 15, 1947, and protocol from February 4, 1948 signed in Moscow, which specified the state border line. At that time the border between the Moldavian sector of the state border between the USSR and Romania had been extended up to coast of the Black Sea lengthways the river Danube.

On July 30, 1949 in Moscow was signed the document, which established a mark and a joint place of three borders—the People's Republic of Romania, the Soviet Union and the People's Republic of Hungary—and, which is the initial point of the Soviet Union-Romanian state border. The document was signed in the tripartite order by the Soviet Union-Hungarian's commission and Romania's delegation from the structure of the joint Soviet Union-Romanian commission on demarcation the state border between the People's Republic of Romania and the Soviet Union. On September 27, 1949, in Bucharest, was signed the agreement on the state border demarcation between Romania and the Soviet Union.

The treaty about the Soviet Union-Romanian state border regime, cooperation and rendering the mutual help during resolution the probable boundary problems was signed in Bucharest on February 27, 1961. In these documents the international state border crossing points have been determined, which still are in action. So, five international crossing points which allow passing through the Moldavian-Romanian state border now work and are located in the vicinity of the settlements and towns Sculeni, Ungheni, Leuseni, Cahul, and Dgurdguleshti.

Unfortunately, treaties and agreements on state border, delimitation and demarcation, the state border regime between the Republic of Romania and the Republic of Moldova until now does not exist. Nevertheless, the Border Guard Troops of the Republic of Moldova and Romanian frontier police are guided in their activity by the treaties and agreements signed during the Soviet Union days, which does not exist any more. Now Romania undertakes active actions directed to joining the NATO, the membership in which unequivocally assumes the precisely defined state borders, absence of the territorial claims to other state or states, and non-settled territorial problems. Taking into account above mentioned, it is possible to assume, that in nearest future Romania will be compelled to go on signing the treaties and agreements on state border between the Republic of Moldova and Romania.

After the collapse of the Soviet Union on the Moldavian sector of the former USSR's state border was created the frontier troops' grouping of the Commonwealth of the Independent States (CIS), dislocated on the territory of the Republic Moldova, which was controlled from the Moscow. According to the Decree of the President of the Republic of Moldova #190 from September 3, 1993 the Border Guard Troops of the Republic of Moldova assumed the state border between the Republic of Moldova and Romania under their protection. The Border Guard Troops during this period were included into structure of the Ministry of National Security.

After reorganization the Ministry of National Security into the State's Information and Security Service, in 1999 have been created independent Department of Border Guard Troops, which have been directly subordinated to the Government of the Republic of Moldova.

After the proclamation Ukraine as independent state, the President of Ukraine in the unilateral order by his decree announces administrative border between the Moldavian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic as state border between the Republic of Moldova and Ukraine. Immediately with a purpose to protect the state border the Ukrainian border guard troops have been posted. The Republic of Moldova at that time was involved in the Transdnistrian armed conflict, that had not allowed in short terms to undertake adequate steps on an establishment the state border. Only by the end of 1992 in conformity with decree of the President of the Republic of Moldova the administrative border between two former Soviet republics was announced as the state border. In subsequent the bilateral interstate commission on delimitation the state border between the Republic of Moldova and Ukraine was created.

As the legislative framework for the commission's work, directed to develop a treaty about state border, has served the Treaty of friendship and cooperation between the Republic of Moldova and Ukraine signed on October 23, 1993. On August 18, 1999, the Treaty on State Border between the Republic of Moldova and Ukraine was signed. This treaty was signed in Kiev, has come into force only on November 18, 2001 and served as a legislative basis for the beginning the delimitation process and equipping the state border with all appropriate engineering equipment. The treaty has determined the basic principles of the state border, order of an establishment and passing the state border. The state border regime in that treaty has not been determined, but was agreed that the state border regime will be stipulated in the separate treaty, which until now is not prepared and consequently doesn't exist.

Aggravates the situation on the state border between the Republic of Moldova and Ukraine unsettled Transdnistrian conflict, which makes impossible delimitation the state border, its engineering structures' construction and protection the state border on a sector where the state border passes between Ukraine and Transdnistrian part of the Republic of Moldova. The absence of the treaty or agreement concerning to the state border regime also creates difficulties in maintenance and protection the border.

All these moments promote infringements of the state border on this Moldavian-Ukrainian border's sector, that especial concerns to smuggling the goods, and by that brings significant material damage to the Republic of Moldova, comparable to the volume of the country's state budget. So, conform data given by the President of the Republic of Moldova, the volume of the smuggled goods that comes in the Republic of Moldova through Transdnistria achieves 900 millions US dollars. It is only three times less than whole gross national product.

Alongside with the treaties there is a number of agreements between the Government of the Republic of Moldova and Ukrainian Ministerial Office, which regulate some situations concerning to the mode of the state border's crossing. That is relevant first of all to the agreement between the Government of the Republic of Moldova and the Government of Ukraine about crossing points on the Moldavian-Ukrainian state border and simplified passing through it for the citizens who lives in the frontier areas, signed on March 11, 1997 in Kishinev. The agreement has defined three categories of state border crossing points: international, interstate and local.

The international crossing points are to carry out the passing for all categories of the citizens, vehicles, cargoes, and goods and they are located near to the following towns cities and settlements: Crivo-Mămăligă (railway and automobile), Larga-Celimiñi (railway and automobile), Briceni-Rosoșani (automobile), Ocnîța-Sachireni (railway and automobile), Otaci-Mogilyov Podolsk (automobile), Volcineț - Mogilzov Podolsk (railway), Bassarabasca-Serpnev 1 (railway), Palanca-Maiaki Udobno (automobile), Dudor-Starokazacie (automobile), Mirnoe-Tabaki (automobile), Vulcănești-Vinogradovka (automobile), Djurdjulești – Reni (railway and automobile). The agreement has also determined the crossing points in Transdnistrian sector of the state border between Moldova and Ukraine.

The interstate border crossing points are stipulated only for the citizens of the Republic of Moldova and Ukraine and their vehicles and goods. The local border crossing points are intended for passing the state border by inhabitants of the frontier areas—it was taken in consideration that many settlements, earlier closely cooperated with each other and due to that they have close relations and communications, those crossing points have grate significance for the inhabitants to maintain their rights to visit their close relatives—.

Simultaneously with signing the agreement on the crossing points was signed the agreement between the Government of the Republic of Moldova and Ministerial Office of Ukraine about organization the joint control on the state border crossing points which, unfortunately, until now doesn't implemented in full manner.

And the last intergovernmental agreement “On citizens' trips without granting visas”, signed on May 18, 2001 in Kiev, provides for this two countries' citizens the crossing state border between the Republic of Moldova and Ukraine under the foreign documents. This crossing border's order should begin on January 1, 2002. Later, introduction of this provision was postponed up to July 1, 2002, and finally up to January 1, 2004.

In 2000 the border crossing points had passed 6.358 million persons, in 2001 – about 166 thousand persons more. At the same time quantity of vehicles that crossed the border has decreased—obviously, it is caused by reduction of the economic activity by the importers, that probably caused by introduction in Moldova pre-shipping inspection, and prohibition to import the petroleum, oil, and lubricants (POL) using trucks. So in 2001 the border was crossed by 93815 lorries and 103159 motor trolleys; in 2000 these parameters were higher on 5145 and 8545 units accordingly. In 2001 for the first time three merchant ships crossed the state border.

At the same time the cases of infringement the customs legislation and smuggling have become more frequent. So, in 2000 1570 infringements of the customs legislation and 54 cases of smuggling were detected, in 2001 there were 1839 and 54 cases accordingly.

The detention connected to illegal migration and illegal crossing the state border has increased. So, in 1997 was marked about 200 cases, in 1998 about 250 and in 1999 about 290. With acceptance under protection the Moldavian-Ukrainian state border the amount of illegal crossings the state border have been doubled, and in 2001 578 cases have been detected—practically every day are registered the infringement of the state border.

2.3.The extent of the state border, the state border regime and status of its engineering equipment

The extent of the Republic Moldova's state border (Fig.1) makes with Romania on the river Prut - 610,1 km, on lake Stinka-Kosteshti 73,9 km and in total 684 km.— the Romanian sources specify extent of border equal to 681,3 km. On all length of the state border between the Republic of Moldova and Romania have been installed 414 frontier marks—two boundary poles fixed on both coast of the river Prut—, and on lake Stinka-Kosteshti beacons—starting from number 962 and finishing by number 975. In total on the river Prut, alongside of the state border with Romania are located 27 islands that belong to the Republic of Moldova and 33 Romanian's islands.

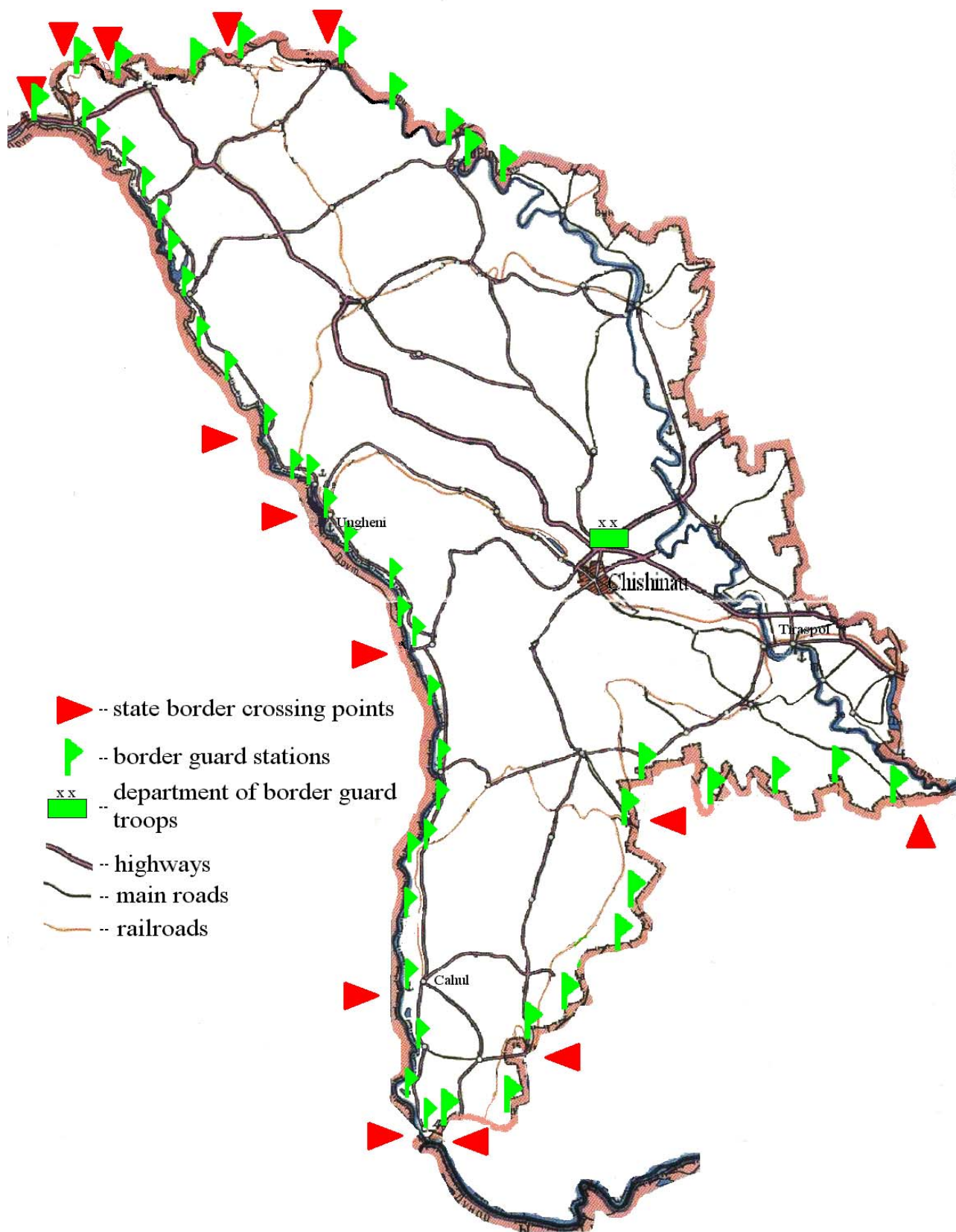


Fig. 1

The total extent of the state border between the Republic of Moldova and Ukraine is 1222 kilometers, from this length 955 km pass overland and 267 km—on water surface. The water border with Ukraine passes both on the river Dniestr, and on other water surfaces—rivers and lakes—, from which on the river Dniestr the extent of state border makes 204,3 km. On all extent of state border on the river Dniestr there are 26 islands belonging to the Republic of Moldova and 16 islands belonging to Ukraine.

The total extent of state border of the Republic of Moldova makes 1906 kilometers, from which 951 km pass on a water surface and 955 km pass overland.

The extent of the administrative border separating the Transdnistrian region from the Republic of Moldova makes about 470 km. However, down to the final solution the Transdnistrian conflict, the protection of the state border between the Republic of Moldova and Ukraine on the Transdnistrian sector is highly problematic. During one decade this sector represents a black hole, in which the multimillion funds disappear every year, due to the financial interests of some circuits in Transdnistria, Russia, Ukraine and Moldova.

As to the engineering equipment of the state border with Romania, in a sector of the Republic of Moldova it was well equipped already in the Soviet time. Now it is in a rather satisfactory condition—nevertheless it is necessary to note, that the hardware of the border control equipment has remained at a level of the eightieth years of the last century and many control means morally and technically have become outdated and their replacements are required—.

The state border between Moldova and Ukraine until now practically is not equipped according to the requirements of the managing documents. With a purpose to equip the eastern and southern sectors of the state border with all required engineering structure and equipment, conform the expert estimations, it is necessary about 25-30 millions Moldavian lei. In that estimation are included the demarcation work, the boundary-marks' and boundary poles' installation which due to the complex form of the state border line should be exposed in the average on a distance of 250-300 meters from each other, the construction of border guard stations and cantonments. The funds intended for performance these works in the budget of the Border Guard Troops until now are not stipulated. The Border Guard Troops' General Headquarters places personnel in lodgments and buildings that belong to the local authorities, which naturally do not meet the requirements of the managing documents.

According to expert estimations, in case when Department of Border Guard Troops has sufficient financing, the works on equipping the state border in these sectors can be completed within 2-3 years. The works on the equipping the state border are conducted, however, taking into account volumes of the existing financing from the state budget, the state border equipping can be fulfilled not earlier than in 50 years.

Besides, the lack of modern surveillance equipment requires increasing in number of personnel that would compensate the absence of modern optical, electronic, radar-tracking, seismic means of control. However is already proved that the transition to increasing the quantity of the frontier guarders instead of increasing the technical control means is a way demanding large financial expenses. So, the optimal way to maintain the protection and the state border regime is a balanced on personnel and surveillance equipment Border Guard Troops, which basically are carrying out the protection and maintain the state border regime.

The paramount act for state border is the Law on the State border of the Republic of Moldova, which was accepted on May 17, 1994. According to this law the state border of the Republic of Moldova is a line, which separates overland and water territory of the Republic of Moldova from territory of the neighboring states, and in a vertical plan air and underground space of the Republic of Moldova from air and underground space from those of the next states.

The state border regime covers set of legal norms stipulated in the law on state border, other normative acts, measures, and also treaties and agreements made with the neighboring states. It is established extremely in interests to maintain the effective performance of state border purposes and objectives and to keep good neighborhood relations.

The state border regime includes the following rules:

- the state border maintenance;
- the crossings the state border by the persons and vehicles;
- the passing through state border of the persons, vehicles, goods and other material resources;
- utilizing waters, soils in a frontier zone;
- the problem's solution in any disputed situations, connected to the state border.

With a purpose to maintain the proper condition of the state border's engineering equipment the narrow strip of ground—the width is 15 meters alongside the all length of the state border—is transferred for unlimited term of usage to the Border Guard Troops—in case when state border passes on water, it is transferred a coastal strip with 15 meters in width. The state border engineering equipment consists of frontier marks' system. On the overland the frontier marks consist from central boundary-mark and two boundary poles located on distance of 2,5 meters from both sides of the boundary-mark, perpendicularly to the boundary line. On water the state border is designated with beacons settling down on the main waterway of the river, or on middle of the river or in case when the state border passes through a lake beacons are settled on a line that connect exits of the state border to a coast of a lake.

In the Soviet Union's epoch the state border around its all perimeter have been fenced by a prickly wire, however now the Border Guard Troops of the Republic of Moldova have refused from it, and the systematic dismantle of this obstacle on border with Romania is going on, on the state border with Ukraine this fence will not be installed at all.

With the purposes to maintain the visibility and protection of the boundary-marks in the installation places the boundary corridor is established, its size is determined by the contracting parties. So, for example, on border with Romania such corridor makes two kilometers. In this two-kilometer strip, alongside with state frontier, the special rules for being and work are in action, more over some kinds of economic activity and any non-authorized construction are forbidden.

To organize the passing through the state border according to the treaties—in some case agreements—with the next states are nominated crossing points. In that crossing points are created and functioned the Border Guard Troops' checkpoints, customs and other establishments, which carry out the control above the passing through the state border.

The passing through state border includes:

- the frontier control, which includes border checking out and registration of the documents that give the right for entrance or departure from the Republic of Moldova, vehicles, luggage, goods and other property examination, and other measures stipulated in the Law;
- the customs inspection of the goods and other property belonging to the citizens, or to enterprises and organizations which are carrying out foreign trade activities, according to the Customs code regulations;
- the realization—in case when it necessary—the sanitary-quarantine, veterinary and other kinds of the control.

The basic tool, ensuring a state border regime is the Border Guard Troops. As auxiliary forces, in this case, act the customs and somewhat law-enforcement bodies located in the area, contiguous to the state border. The special importance was given to these law-enforcement bodies in the former USSR, when the whole areas, contiguous to the state border, were announced as a frontier zones. In these zones the law-enforcement bodies had the additional rights and duties concerning to the realizations the measures directed to maintain the revealing and search for the trespassers of the state border. However a special regime of a pre-frontier zone for the whole counties have made complicated managing in these regions and suffer sustain losses. Nevertheless, the political situation at that time, huge territory of the former USSR, allowed accepting some damages connected to a pre-frontier territories regime.

Moldova doesn't have possibilities to afford such "luxury" for itself – the country's territory too is small, the economy is too weak, and external political situation does not require it. Ukraine does have a pre-frontier zone, which simplifies the state border surveillance and control and its width is 50 kilometers. Romania has at present time the similar zone, but its width is only 30 km.

The protection of the air space state border is assigned, according to the Law, to the Air Defense Missile Brigade of the Ministry of Defense. However existing condition of the means designated to detect, track, and destroy the possible trespasser of air space allows asserting that now there is only an opportunity to trace a status of air space. Military equipment capable directly to force the air trespasser to land doesn't exist—combat aircrafts— the military equipment capable to destroy the air target also practically is absent. Air defense systems S-75 are taken off from the exploitation, and complex S-200 can be used only in case of a war, due to the fact that it is potentially dangerous for launching crews. It became understandable that Moldavian air space state border can only be supervised, but not be protected. However, taking into consideration restrictions existing in the weapon application, specified in the Law on state border, the air defense weapon cannot be applied in peacetime at all.

With the purposes to have an effective protection of the state border the interaction of the “force” ministries is organized —Border Guard Troops, Ministry of Defense, internal security troops or Carabineer's Troops, customs and law-enforcement bodies of the Ministry of Internal Affairs— which:

- assist each other in performing their duties, assigned to them for protection the state border;
- coordinate actions of bodies which are carrying out various kinds of the control designated to on maintain the state border regime, frontier regime and a mode of passing through state border in crossing points;
- organize directly on the state border interaction of their forces and state bodies which participate in protection the state border or which are carrying out the activities that touching interests of the state border protection.
- carry out interaction during the state border protection with the appropriate neighboring states governmental bodies and armies in the order established by the international treaties or agreements between these countries and the Republic of Moldova that have interdepartmental character.

According to the concept of the military reform and the military doctrine of the Republic of Moldova in case of external military threat or aggressions the Border Guard Troops is transferred in operative submission to a General Staff of the Armed Forces of the Republic of Moldova. The General Staff is supposed to be created on the basis of the Main Staff of the National Army in the threatened period and supervises over military operations' preparation and its realization, at that time the Border Guard Troops should carry out auxiliary tasks. These tasks can for example be: holding a line of a defense on minor directions, protection of the especially important objects, extermination of terrorist groupings, enemies' diversionary or small paratroopers groups, creation of the third line of a defense etc. At that time in operative submission should be transferred those border guard groups and stations, on which direction the combat actions are conducted. While on the state border where the combat actions are not conducted, the regime of the state border continues to be observed. The transfer mechanism that submit the Border Guard Troops under General Staff's operative control is not fulfilled, moreover the concept that will determine what part of the Border Guard Troops and on what direction it should be transferred in operative submission of National Army until now is not produced.

Legislative basis for the Border Guard Troops' legal activity are the next documents: the Constitution of the Republic of Moldova (the basic law), the Law on State Border, from May 17, 1994; the Law on State Security № 618-XIII from October 31, 1995—by the way, this law was promulgated only on January 31 1997—; the law on a defense, the law on the Armed Forces of the Republic of Moldova. The documents regulating a daily life of the Border Guard Troops are: the Armed Forces of the Republic of Moldova' Service Regulations and other internal normative acts, manual, instructions, orders and instructions of the Minister of National Security and of The Chief of Department of Border Guard Troops.

According to these documents the Border Guard Troops protect the state border on land, on frontier waters and in the state border crossing points. Thus, they to accomplish the next tasks:

- providing with military-technical measures non-admission of illegal passage through the state border on terrain;
- coordinating customs and other control bodies' activities, carry out the control on implementation the correct state border regime, and crossing through state border;
- carrying out, in case of necessity, boundary searches and operations;

- repulsing an attack or intrusion on territory of the Republic of Moldova of the armed groups, suppressing the armed provocations on the state border, protecting from criminal encroachments the local population and property of the proprietors;

- anticipating and preventing illegal crossing the state border by the persons and vehicles, reveal and detain the trespasser of the state border;
- suppressing, according to existent regulations, transit through the state border of narcotics, psychotropic, drastic, poisonous, poisoning, radioactive and explosive substances, harmful waste, weaponry, explosive devices, fire-arms and ammunition, cultural and historical values, forbidden for export or import and hidden from inspection;
- providing performance of the obligations that follow from the treaties and agreements signed between the Republic of Moldova and neighboring states on a state border regime and other kinds of activity on the state border. Participating in frontier-representation work, providing protection and maintenance in proper condition boundary marks;
- implementation of admission through state border of the persons, vehicles, goods and other property;
- drawing up the protocols about perpetrated administrative infringements and within the limits of its competence examining them;
- conducting investigations on matters referred to their competence;
- rendering appropriate assistance—in areas where frontier stations conduct their duty—to state bodies in their activity under the control of preservation the natural resources, observance of trade rules and other activities, in protection of an environment from pollution.

For successful solution the given tasks the personnel of the Border Guard Troops within the limits of a frontier strip, Moldavian part of frontier waters and islands located on this waters, on the state border crossing points, and also on the pre-frontier regions have the right:

- to erect necessary engineering structures, to install required communication lines, to place and to use military equipment and military machinery;
- to be on any plot of terrain and to move on them when it is necessary to implement their duty;
- to accompany the vehicles and to place on them the boundary detail, to check the documents and vehicles that transport goods and property;
- to carry out by the boundary detail detention and personal examination of the persons suspected in infringement of the state border regime, frontier regime and crossing state border regime, to stop and to detain vehicles admitted infringement of the above-stated regimes for clearing up the circumstances of infringement;
- to carry out administrative detention of the persons who have committed infringement of the state border regime, frontier regime boundary mode and crossing state border regime for the term up to three hours for drawing up the protocol and if necessary for person's identification and clearing up the circumstances of infringement. The detention for the term more than twenty-four hours is carried out only from a sanction of a public prosecutor. In each case the protocol must be made;
- to detain from the sanction of the public prosecutor the foreign citizens and persons without citizenship, illegally crossing state border;
- to keep the persons who are the subject of an administrative detention in rooms specially equipped for these purposes. In necessary cases to place such persons in investigation isolators and in other specially equipped rooms of the law-enforcement bodies;
- to do appropriate marks in the documents that give the right for crossing the state border and, if necessary, temporarily to withdraw such documents, and also stranger's and counterfeit documents;
- to detain, in absence of customs bodies the illegally transported through state border forbidden material assets, found out during the boundary control;

- temporarily to limit or to forbid the persons and vehicles' movement, and also to bar from getting to a separate areas the citizens during implementation the boundary searches and operations, others investigation's actions, and also during investigation on criminal and administrative infringement cases;

- to use for the service purposes the communication facilities independent on its ownership; and during repulsing the intrusion on territory of the Republic of Moldova, conducting search measures, conveying the persons that a suspected in committing infringement to use vehicles which belong to the enterprises, irrespective to a pattern of ownership, and private persons, with subsequent the reimbursement of expenses or losses.

- to apply the weapon, combat equipment, special equipment, physical force, service dogs in cases and in order stipulated by legislation;

- In the Moldavian part of the frontier waters to detain and to convoy to the nearest port or quay or in other frontier post item the foreign non-military ships which have broken the state border regime, other regulations of the Law on State border. The detained foreign non-military ships should be transferred to the appropriate states' authorized representatives in accordance with established procedure, or should be expelled beyond the limits of the Moldavian frontier waters, or in cases stipulated by the legislation of the Republic of Moldova, should be confiscated under the decision of court.

The Border Guard Troops has in its rank 5500 military persons, who service in the central bodies, frontier groups, frontier commandant's offices, frontier stations and state border-crossing checkpoints.

In total in western sector of the state border operates about thirty frontier posts and frontier commandant's offices, and five international state border crossing checkpoints. In northern and southern sectors are placed about twenty frontier posts and frontier commandant's offices, 12 international state border-crossing checkpoints. However their formation in northern and southern sectors have began recently—from a half-year up to one year—it is obvious, that the amount frontier posts of boundary in these sectors will be increased—approximately 10 units else. To this is added the necessity to establish protection of the state border in eastern sector—Transdnistrian region—in case of political settlement of the Transdnistrian conflict. It will demand creation of about 20 frontier posts and international state border crossing checkpoints.

From the point of view of functionality the Border Guard Troops are organized in an effective and optimum structure, due to the fact that it doesn't have a duplicating bodies in its structure (fig. 2). A weak part in the structure of the Border Guard Troops is the logistics. In peacetime the Border Guard Troops doesn't create significant stocks of material resources necessary for mobilization needs and conducting a combat actions for a state border defense. Probably it is explained by the fact that in the Soviet time on territory of the former Moldavian Soviet Social Republic there were no warehouses for operative reserves, and the frontier groups received all necessary materials from warehouses located in Odessa or Chernigov, where were placed warehouses of the frontier district.

This imperfection can be liquidated by two ways. First, the warehouses' creation and second, connected to transition in supplying the Border Guard Troops from the National Army's stocks during the special period, which beforehand in peace time should be created. Nowadays the problem concerning to the Border Guard Troops material maintenance in the special period is not solved neither organizational nor technically.

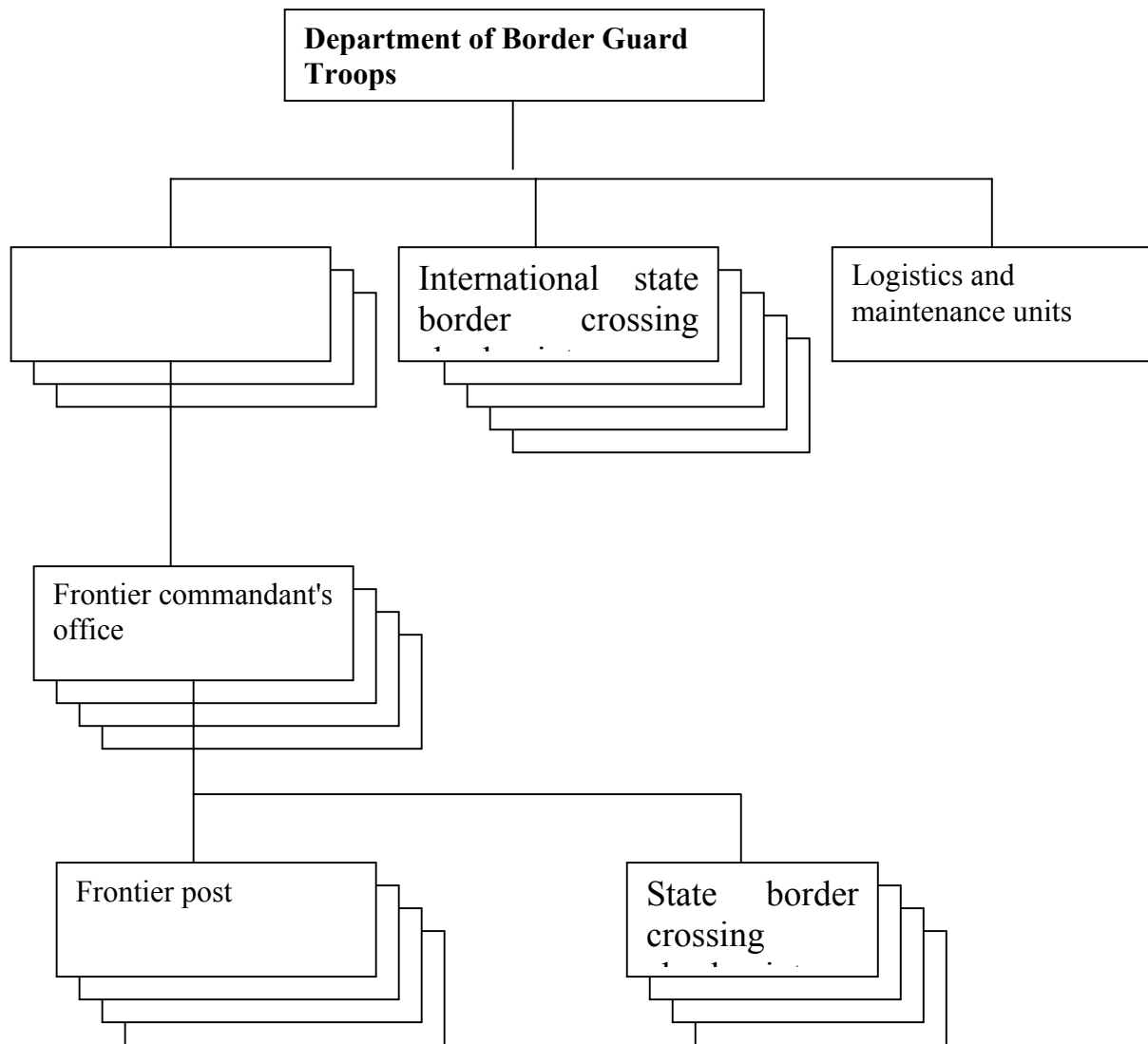


Fig. 2

The overall Border Guard Troops' strength should be determined proceeding from the following basic principles: extent of the state border, normative requirement concerning to amount of the frontier guarders per one kilometer of the state border, level of the existent engineering and technical equipment at the given sector of the state border and its quality. The subjective factors, which allow to make change in number of Border Guard Troops' personal structure are: quality of cooperation and good neighborhood, existence of frontier zone closed for the majority of the population and an economic circulation. Proceeding from the above mentioned factors, from extent of the state border and complexity of the terrain relief the overall frontier group strength on border with Romania should be: 3078 frontier guarder—4,5 men per 1 kilometer of the state border. Here have been taken in consideration the extent of the state border, in view of presence of a water obstacle—684 kilometers—and presence of the engineering and technical equipment along the full length of the state frontier in a rather satisfactory condition.

On the Moldavian-Ukrainian state border, taking into account absence of natural obstacles, except for a part of the state border which passes over the river Dniestr—204,3 km—, insufficiency of the engineering and technical equipment on the state border—in reality its complete absence on majority sections of frontier—, the calculation should be made from following data— 6 frontier guarders per 1 kilometer of the state border. Thus, taking in consideration that extent of the state border with Ukraine is 1222 kilometers, 7332 frontier guarders should protect the state border.

Under a hypothetical condition, that the Moldavian-Ukrainian border will be equipped with all necessary engineering structures, the quantity of the personal structure for this sector of the state border will be 5499 persons. The cost of the engineering equipment necessary for installation on the Moldavian-Ukrainian frontier, conform the expert estimations, is 25-30 millions lei—in this estimation has been taken in consideration only equipping the state frontier with boundary marks and boundary poles, cantonment and frontier posts construction—. The ordinary frontier guarder's support cost is about 9500 lei per one year. By simple arithmetical operation it is possible to prove, that in the long-term sense the state border's equipping with the necessary engineering structure and technical surveillance devices is more favorable. So, for example, the difference in 2000 men, which arises due to the absence of the engineering equipment on the Moldavian-Ukrainian state border and necessity for indemnification this lack by increasing the number of personnel, would require annually the increasing expenses for their maintenance, it is about 19 millions lei, comparing to expenses needed for maintenance the satisfactorily equipped state border. Those funds, which would be enough for equipping the state border within 2-3 years.

So, in view of the current realities connected to the extent of the state border and its engineering equipment, the overall Border Guard Troops' strength necessary for maintenance the required state border regime should be 10410 border guarder. However due to the country's economic weakness, which determine state's inability to maintain sufficient forces and means for protection the state border, the Border Guard Troops has only 5500 persons, according to the authorized list of staff's members.

The countries' experience that have an approximately identical level of the economic development shows:

Romania having a total extent of state border 3146.6 kilometers, from which 1036,7 km passes overland, 1862,5 km on the rivers and lakes, and 247,4 km on the sea had at the beginning of 2000 in its Frontier Police 23000 military persons—as conscripts as officers and noncommissioned officers. Thus, the personnel density per one kilometer of the state border has approximately 7.3 persons. It is necessary to take into consideration the fact, that the Romanian state border is equipped with all necessary surveillance, control and detecting means at the enough high level. At the same time, since 2000, the Romanian Frontier Police is in a condition of reform, which purpose is to bring the protection of the state border up to the standards of the European Union. Up to 1997, in spite of the fact that the Romanian Frontier Police have had this name, it actually was not civil organization, because it had military organizational structure, had been brining up to strength with conscripts, and had heavy arms. With the purpose to bring the frontier protection under the requirements of the European Union's standards, the state border protection is transferred on Frontier Police, which in the essence has to become nonmilitary formation. During these modifications it is anticipated the stepwise refusal from an appeal conscript service and reduction the numerical structure by the end of 2002 up to 13400 persons, or 4.25 frontier policemen per one kilometer of the state

border. However at the same time it is planned to carry out significant modernization of the engineering and technical equipment, and in especial on the Moldavian-Romanian and Ukrainian-Romanian sectors of the state border—where, by the way, the policemen density will be up to 5,5 persons per 1 kilometer—, equipping the Frontier Police with patrol machines, patrol courts, devices of night vision, modern means of communications and means for personnel individual protection. And the financing of these programs is carried out not only by the Romanian State Budget, but also supported by some European Union's programs.

Lithuania, having extent of the state border 1720,2 km has in Border Police numerical structure 3649 military men under the contract—officers and noncommissioned officers—and 522 conscripts military men of a urgent service. Personnel density makes 2.43 persons per one kilometer of the state border. However it is necessary to take into consideration the fact, that 40 kilometers of the border passes through swamps, and about 100 km passes on the sea surface, that considerably simplifies its protection. Recently Lithuania was compelled to increase number of the Border Police for 100 persons.

Advanced countries have smaller density of the border guards protecting the state border. So, **Finland** having extent of the state border 3092 km—from them half are passing through the Northern Baltic Sea, the Gulf of Finland and the Gulf of Bothnia—has average density 1,07 person per kilometer of the state border. However, having in mind that if the policeperson aggregate number is 3305, the 2300 persons are placed to protect the overland sector of the border, and the density for protection this sector is 1,46 persons—extent of the overland state border is 1572 km.

The United States of America, having extent of the State Borders 9677 kilometers on overland border between Mexico and Canada, and 3225 kilometers on the sea have in the border guard protection structure—Border Patrol and Coast Guard—only 10000 persons. However they have tendency to increase that number, and in 2002 it is planned that about 1000 men will be hired in Border Patrol. However due to arisen complication in maintenance the state border regime on a state border sector with Mexico— intense illegal emigration, goods smuggling, drugs traffic and so on—the USA are compelled to involve for performance the state border protection missions a part of military units of the USA Army and USA Navy.

Thus, the existed tendency to keep the reduced personal structure—approximately 2 - 3 men per one kilometer of the state border—that designated to protect a state border, are based not only on improvement of the political situation in regions. This aspiration basically is based on frontiers modernization, it's equipping with modern, highly sophisticated technological means, and transition to a contract service that makes professional the bodies that protect the state border. Some explanation of this tendency can be built on the fact that labor cost in the advanced countries (the USA, Finland etc.) is much higher, than in the countries with less advanced economy.

Taking into account the above-stated tendencies, the condition of the engineering technical equipment that is placed on the state border of the Republic of Moldova, nowadays it is expedient to have density of the Border Guard Troops personnel on border with Romania 4,5 persons per kilometer and on border with Ukraine - 6 persons per kilometer.

Another aspect of the functioning of the Border Guard Troops is the structure which in case of Moldova has next ratio: command and control - 3 %, logistics and technical maintenance military units - 6 %, the state border protection military units – 91%. In this respect it is remarkable to note the recent Romania's actions directed to optimization of the parity of frontier police. They are not only trying to shift Frontier Police to the professional one by the end 2002, but also are making significant structural transformations with a purpose to reduce the density of the central administrative bodies. As follows from the European Union Commission report, at the middle 2001 they have already transferred about 20 % of the central bodies personnel staff for work in frontier stations, and another 10 % will be transferred by the end 2002. Doing this they will achieve the distribution on administrative structure similar to existed distribution in Border Guard Troops of the Republic of Moldova.

Low engineering and technical equipment level determine existed low density of the logistics and technical maintenance military units in Moldavian Border Guard Troops. However such state of matter—absence of modern engineering and technical equipment: river boats, helicopters, planes, signal and detection sophisticated system—substantially hampers development of the Border Guard Troops and complicates the state border protection.

The efficiency of the Border Guard Troops depends also on the officers' staff training that is carried out basically in Ukraine. So, the Academy of the Ukraine Frontier Troops annually prepares for Moldova in average 15 officers. That is obviously not enough, and especially in view of escalating forces of the Moldavian Border Guard Troops. For indemnification of the lack in officer structure the graduates of a higher educational institutions of the Republic of Moldova—about 15-20 persons per one year—are called in Border Guard Troops on a voluntary basis. These officers go through additional special training in Department of Border Guard Troops. Insignificant part of the officers the Border Guard Troops receives also as a result of transition of the officers from other power structures - Ministry of Defense, Ministry of Internal Affairs and others.

Now have been studied and almost settled a question about training border guard officers at the Armed Forces of the Republic of Moldova Military University, where will be trained in average up to 30 officers per year. The Military University will be created on the basis of Military College of the Ministry of Defense in 2002.

Another part of the problem is the habitation's absence. For construction of habitation for the officers, and even for construction of the cantonments and frontier stations in the Moldavian-Ukrainian sector of the state border in the Border Guard Troops' budget is not stipulated any lei. The habitation's absence in Kishinev brings under a question a personnel selection for the central bodies of the Department of Border Guard Troops.

These difficulties have been produced due to the insufficient financing of the Border Guard Troops starting from proclamation of the Moldova's independence up to nowadays (fig 3). So, if to take the period since 1995 and until now every year for Border Guard Troops have been released money resources from the state budget 2.1 times less than it is required. Under required quantity of funds it is necessary to understand those money resources, which are necessary for the personal structure maintenance— conscripts, officers and noncommissioned officers, civilian employ— keeping in capable for working condition the state border's engineering and technical equipment, maintenance of the armament, military equipment and machinery and realization of the measures for combat training etc.

The experience of some countries that have a level of economic development about equal with Moldova's one shows that in the average for every border guarder they spend for one person—irrespective if he or she a policeman or military person—3 and more times more money, than in the Republic of Moldova. So in the average for maintenance one person who is implementing the protection of the state border have been spent in the Republic of Moldova 721 US dollars, in Romania – 2020 US dollars, Lithuania – 6300 US dollars, Estonia – 6400 US dollars.

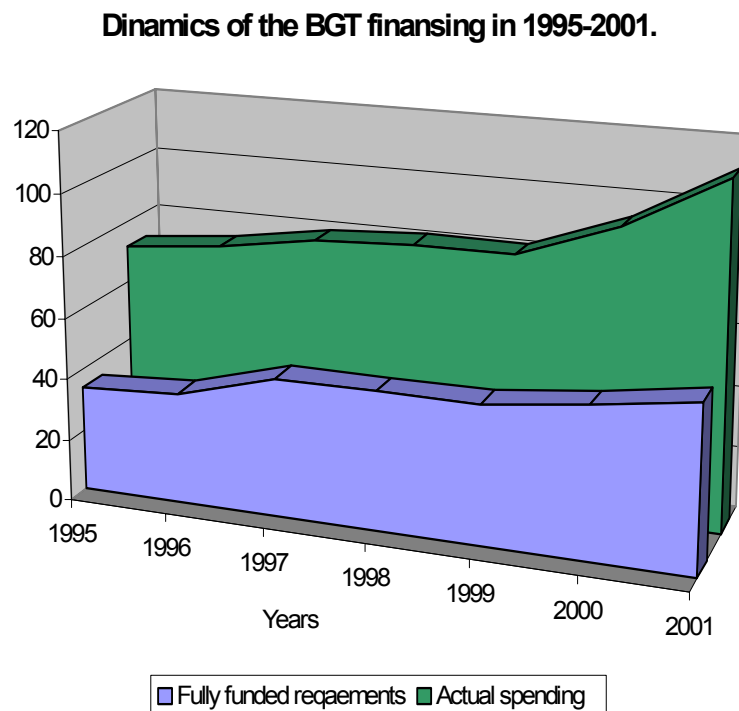


Fig. 3

The almost double chronic deficiency in the Border Guard Troops' budget results in a premature armaments and military equipment lay-up, premature aging and failure of the state border engineering and technical equipment and its delayed replacement, that worsens quality of the state border protection.

The Border Guard Troops' budget distribution has the following character: about 85 % of the budget is spent for the maintenance the personal structure, and only about 15 % to maintain armament, military equipment, state border engineering and technical equipment and personnel training, and nothing for purchasing military equipment, state border engineering and technical equipment, construction frontier stations and inhabitant for border guarders. At the same time experience of other countries shows, that this ratio should have approximately following character 60 % / 20 % / 20 %.

Border Guard Troops basically have on hand light infantry arms; the only heavy weapon they have is 5 armored personnel carrier (APC). It is possible to say—if to withdraw those 5 APC—that Border Guard Troops according to their degree of equipping with weapon is already non-military organization based on this parameter these forces can be attributed to the police forces. However it cannot be made due to the obviously military organization, ways of making up the staff, methods which they use for performance the missions, and managing documents.

Appealing again to the other's countries experience it can be shown, that in the average for 250-300 kilometers of the state border one helicopter is necessary. For example, Albania having the state border's extent 1094 kilometers now has only one helicopter, however for the qualitative control of the state borders it asks for rendering assistance from the European Union for purchasing three more helicopters.

Finland has 1 helicopter for 350 kilometers, Lithuania 1 helicopter for 320 kilometers etc. A mountainous relief of the terrain explains necessity for larger helicopters' density for Albania.

For conditions that exist in the Republic of Moldova quite sufficient will be at least one helicopter for 450 kilometers of the state border, that mean only five helicopters. In view of necessity to realize maintenance service and repairs the total number of helicopters should be not less than 6 units. Now Border Guard Troops doesn't have any helicopter, and consequently necessary infrastructure for their maintenance—technical maintenance subdivision, necessary technical means, tools etc.—. Only for acquisition above-mentioned helicopters—this helicopters should be the transport ones—it is required about 4,5 millions US dollars. The further helicopters' operation will require also annual expenses in volume of about 5 millions Moldavian lei.

As to the patrol boats which ensuring protection of state border on a water surface, the status with their existence and technical condition is also extremely complex. If patrol boats, which were available in the Soviet period in this sector of the state border were taken together with boundary groups under jurisdiction of the Republic of Moldova in a relatively good shape, for the period of so-called transitive economy, they almost completely were worn-out due to the of absence of appropriate maintenance, scheduled preventive survey and repair. The constant, almost double deficiency of the Border Guard Troops' budget has brought to real absence of the means designated for protection the water state border.

For patrol boats' restoration—those that certainly can be restored according to their technical condition—it is necessary to implement a 6 millions lei three years restoration program—approximately 2 million lei per one year.

The patrol boats' application practice on the large arias of a water surface—the lake Stinka-Kosteshti is an example of such aria—shows that one boat should be on 50 kilometers of the state border. On the river this parameter varies from 20 km up to 30 km depending on character of the current, terrain's relief, presence of surveillance equipment etc. For indemnification the lack of patrol boats caused by impossibility to restore those that are on hand it is necessary to purchase light patrol boats—about 10 boats—with a total sum of 700 thousand US dollars—more than 9 millions Moldavian lei.

Concerning to the equipping the state border with surveillance, supervision and control means, the exact requirement's calculation for the Republic of Moldova have not been made. However three countries—Albania, Croatia and Former Yugoslavian Republic of Macedonia—have made this estimation and they come to 65,5 millions Euro, which are necessary for the state border technical equipment. The extent of the state borders, which they plan to equip, is approximately equal to extent of the Republic of Moldova's state border. These money resources are required only for the most immediate needs in terms of upgrading the technical infrastructure, in terms of computerization, telecommunications and general office services and in particular as regards the needed purchase of patrol cars, vessels and helicopters, as well as of document readers, intelligence devices such as heat cameras, CO2 gauges, night vision cameras, ground radars etc.

It is possible to assume, that for equipping with similar equipment and machinery the state border of the Republic of Moldova will be necessary about the same amount of money resources. To this it make sense to add the expenses which will inevitably occur due to the training personal structure intended to operate that equipment, maintenance and repair.

The unsolved yet question, but which was and is actual problem is a transition the Moldova's state border protection on a police basis. It is considered, that there is a necessity and opportunity for similar transition. It is caused by aspirations of the Republic of Moldova to entry in the European Community and its highest organizational form the European Union.

The joining the European Union assumes alongside with others the performance of a number of conditions, among which are:

- clearly demarcated borders;
- good co-operation with neighboring states;
- non-military border guarding structures;
- a sound legal framework, based on EU standards;
- well trained, equipped and managed services;
- smooth bilateral and multilateral border guarding co-operation.

The proposed variant assumes that the state border protection in areas of state border crossing points will be carried out by frontier, but protection of the green border and the state border on water will continue Border Guard Troops. This variant assumes a creation of one more structure that will result in increasing the money expenses, and certainly will bring to tensions between two possible state bodies responsible for the state border regime.

To draw a conclusion, will be compared the most important missions, which face the Border Guard Troops of the Republic of Moldova and frontier police—having as example the countries pretty similar to the Republic of Moldova in their economic development and extent of the state border.

Border Guard Troops of the Republic of Moldova	Frontier (Border) Police—Lithuania, Finland, Estonia
<p>To ensure the protection and inviolability of the state border on land and in territorial waters.</p> <p>To repulse an attack or intrusion on territory of the Republic of Moldova of the armed groups, to suppress the armed provocations on the state border.</p>	<p>To ensure the protection and inviolability of the state border on land and in territorial waters.</p>
<p>To maintain the state border regime, frontier regime and the state border crossing checkpoint regime.</p>	<p>To maintain the regimes of the state border, frontier zone and border checkpoints.</p>
<p>To provide performance of the obligations that follow from the treaties and agreements, signed between Moldova and neighboring states, concerning to a state border regime, and other kinds of activity on the state border. To participate in frontier-representation work, providing protection and maintenance in proper condition boundary marks.</p>	<p>To carry out international agreements on the state border regime.</p>
<p>To anticipate and prevent illegal crossing the state border by the persons and vehicles, reveal and detain the trespasser of the state border.</p>	<p>To exercise control over citizens, aliens, means of transport and goods that cross the state border.</p>
<p>To protect from criminal encroachments the local population and property of the proprietors.</p>	<p>To ensure the implementation of police tasks in the spheres of crime prevention and control, protection of people's rights and lawful interests, and maintaining of public order.</p>
<p>To suppress, according to existent regulations, transit through the state border of narcotics, psychotropic, drastic, poisonous, poisoning, radioactive and explosive substances, harmful waste, weaponry, explosive devices, fire-arms and ammunition, cultural and historical values, forbidden for export or import and hidden from inspection.</p>	<p>To suppress, according to existent regulations, transit through the state border of narcotics, psychotropic, drastic, poisonous, poisoning, radioactive and explosive substances, harmful waste, weaponry, explosive devices, fire-arms and ammunition, cultural and historical values, forbidden for export or import and hidden from inspection.</p>
<p>To carry out, in case of necessity, boundary searches and operations.</p> <p>To draw up the protocols about perpetrated administrative infringements and within the limits of its competence examining them, conducting investigations on matters referred to their competence.</p>	<p>To carry out boundary searches, operations and investigations to prevent illegal migration and crossing the states border.</p>
	<p>To control the foreign citizens' legality to stay on state's territory.</p>

Border Guard Troops of the Republic of Moldova	Frontier (Border) Police—Lithuania, Finland, Estonia
	To conduct maritime search and rescue operations and to contribute to other rescue services as well. To handle customs control in the areas where the Customs Administration cannot perform the task.
	To enforce laws and legal acts of the Republic of Lithuania—only for Lithuania—.
(Is conducted indirectly by coordinating the Customs and others bodies activities at the border crossing checkpoints)	To implement state policies on migration and customs.
To render appropriate assistance—in areas where frontier stations conduct their duty—to state bodies in their activity under the control of preservation the natural resources, observance of trade rules and other activities, in protection of an environment from.	

As it is visible from the comparative table the tasks that face the border police and the Border Guard Troops practically are identical, except for realization the rescue operations on water—that is explained by a geographical location—and some tasks that are purely police missions and common for Estonia and Lithuania. However in the basic the tasks, concerning directly to state border protection, are identical and consequently from the missions point of view the replacement of the Border Guard Troops by border police in reality is only the change of the name.

At the nowadays' stage is more important to perform the other conditions, which performance will allow to come closer to the requirements of the European Union and namely:

1. The Brining a legislative base concerning to the state border protection to the European Union's standards. Until now do exist a difference between the normative documents' regulations, which the Border Guard Troops uses, and the requirements of the documents that the countries of the European Union utilize.
2. The presence of well trained, prepared, and what is the most important, equipped and effectively managed state body assigned for the state border protection. If the question of the Border Guard Troops' personnel readiness to fulfill the missions is actually not under doubt—at least, at the level of engineering and technical equipment they have on hand—the problem concerning to their equipping with modern means considerably has lagged behind a level of the modern requirements.
3. Development of bilateral interaction with the neighboring states, designated for the state border protection.

To the factors, which make problematic the replacement of the Border Guard Troops by border police it is correct to take in estimation the country's problems, connected to the economic weakness. So, the border police's creation will require its transition to a state body, which will be completed with enlisted personnel, because in this case it will be impossible to apply the law on universal military service. For a border police maintenance will be necessary to spend 2 - 2,5 times more funds than it has been spent now for the Border Guard Troops. It is caused by the necessity to increase personnel pay and benefits—low salary will not attract the young people to serve in border stations, border crossing checkpoints and so on, and so far—necessity to construct habitation for personnel, which hardly probable will live in the existing barracks, and at the same time will be crucial to create some privileges for policepersons etc.

Due to the above mentioned, and the fact that the border police and Border Guard Troops' missions are the same, the transition BGT in border police does not make any sense. All the more the similar attempt has been undertaken in 1996, but a unique realization was a duplication of the control that caused the natural discontent of the law obedient citizens.

Conclusions

The border Guard Troops of the Republic of Moldova are in condition to execute, and they are carrying out the state border protection at the appropriate level. However it is necessary to undertake a number of measures for increasing the quality of the state border's inviolability, due to the fact that Moldova inevitably will turn out to a transit territory not only for illegal migration in the European Union countries, but can become as a probable channel for the drugs' penetration in Europe. Especially this tendency will amplify after Romania's acceptance in the European Union, because in this case the EU border will pass on state border between Romania and Moldova.

For the purpose to prevent those negative phenomena it is necessary:

First, in the shortest term to prepare and to sign a package of the documents fixing the legal status of the state border with Romania. This process will be accelerated due to Romania's aspiration for joining the EU and the military-political organization NATO.

Second, to carry out all necessary works concerning to the engineering and technical equipment of the Moldavian-Ukrainian state border, and to take necessary measures for modernization the Moldavian-Romanian state frontier. That measures demand significant money expenses and can not be carried out in short terms, that is why it is necessary to develop the state programs for their realization—for instance: an electronic detection equipment program, an aircraft program, an infrastructure construction program etc.—and what is most important to provide their financing from the in the state budget.

Third, in 5 or 6 years to transit the Border Guard Troops' completing to a contract basis. It will prepare the basis for reorganization the Border Guard Troops into a border police. In this respect it is necessary to take into consideration the fact, that the professional Border Guard Troops will require approximately twice more funds, than the Border Guard Troops completed on the basis of the universal military service.

Moldovan Border on the Map of Europe

Dr. S.Ceciui, Director General, Moldconsult, Moldova

A Border – Joining and Separating Functions

All the history of mankind is connected with the notion of a “border” that separates “our” territory from “alien” one. Within our territory we can safely manufacture, travel, exchange products of labour. The greater is the territory within the boundary, the safer is life, more effectively develops the state, a special structure aimed at safe maintenance and development of the territory. That trend of effectiveness and development incited every state to expand its borders. The ideal of such expansion was an empire “over which the sun never sets”. One of the most important reasons of imperial growth was free trade within greater territory. The notion of border was always associated with customs fees and excises. There were cases when a state was split into several smaller ones for the purpose of creating numeral borders and profiting from collecting greater customs fees. Such states did not survive for long. On the other hand great empires created by military force and suppression could not overcome the period of free exchange of information.

Only in the second half of the XX century several states decided to join peacefully their territories for the benefit of free transit of goods and duty-free trade. Such unification resulted in total elimination of borders between the member countries and strengthening of their common external border. The path of unification lay through changes in national legislation systems bringing them to the unified standard. This legislative standardisation covered not only trade problems but also production, defence, education, health care, and etc.

The transfer from the period of military opposition and construction of defensive fortifications in the centre of Europe (Maginot Line was completed in 1939) to elimination of national borders (1986) and free transit of people and freight from one country to another took less than one human life span. It seems that we are unable to comprehend the greatness of the fact: England, France, Germany, Spain, Holland – the countries that fought each other for twenty centuries, now, only forty years after the most devastating and blood shedding war, totally destroyed the borders that separated them. These 40 years of hard work aimed at agreeing the interests and elaboration of compromises brought about fantastic results: we witness great shifts not only in legislation, economy, or social life, the greatest is the shift in people psychology. Population became more “inert” and less pliable to wars and revolutions. The structure of society changed. Both the middle class weight and average society age increased and added to social stability. Due to free travel and exchange of information it became very difficult to raise or maintain aggression of population towards their neighbours. We witness emergence of a new empire being created by peaceful means, and the neighbouring countries strive not to counter-stand the growing power, but willingly try to join it.

We observe a dramatic change in the status of interstate borders. The borders loose their defensive and separating functions and retain administrative functions. It makes life easier for most of citizens, and it saves tremendous sums of money that were spent previously by the EU states on all needs of border maintenance

The founders of the European Community from the very beginning aimed not only at a customs union, but also at a common market, where people, goods, services, and capital could circulate freely. They could foresee that such economic integration would provide for rapid economic growth of its members, but their main target was to establish a firm platform for further political European union. The Customs Union served the purpose only too well. It provided for unprecedentedly rapid growth of trade between the member countries and caused serious changes in legislation of all EU members.

Before entering the European Community every country tried to defend its national manufacturer with the help of customs tariffs. They prevented imports at prices lower than those of national producers, and they also limited imports to volumes that could not bring down prices on local products, causing losses in profits. Each country wanted to import the goods of such quality and in such quantity that they would not compete with locally produced goods. Such defence makes national producer weaker. Industry defended by customs barriers has no motive and necessity to spend efforts and money on technology modernisation and searching for cuts and savings in production costs. Hence they loose competitive edge.

Cancellation of customs tariffs in the trade between EU members caused their rapid economic growth. In 15-year period between 1957 and 1972 the volume of trade between the EU members and other countries grew three times. At the same time the trade between the EU members themselves grew nine times. Consumers in all countries received much wider range of goods, and prices were considerably pushed down. This trend in trade development resulted in general economic growth and radical improvement of living standards in all EU member countries. Manufacturers encountered intensive competition in their local markets a fact that stimulated their development, the growth of qualitative level of production an led to the increase of the number of investments.

Before 1993 while establishment of a common market along the EU space was not completed, numerous customs and immigration formalities were still in force, e.g. special VAT forms, excise collection forms and statistical forms. All the vehicles were stopped at the internal EU borders for the purpose of customs and tax clearance, and sometimes physical inspection. Regular long queues of freight trucks standing at customs points hindered trade within the Community and caused traders (and consequently to consumers) great losses in time and money.

Only since January 1993 all customs formalities at internal EU borders were substituted by new systems of customs and statistical control that would not need documentary checks when crossing internal borders. Since that moment all customs checks were stopped at internal borders. There still might be some sampling checks aimed at search of drugs or illegal immigrants, but regular stops and checks at the border have gone.

The Common Customs Tariff is applied by all EU members to the goods imported from the non-member countries. Such goods pass customs clearance at the border of any member country. After that they are free to circulate in the common customs territory of the EU. Adoption of the Common Customs Tariff was one of important results of the Community, as it needed to elaborate a complicate system of compromises caused by differences in national interests and in national customs legislation. Common customs policy formulates tariff rates for the goods imported into EU and also establishes limits, exclusions, and bans. In reality, all the measures are effected by national customs officers. The Common Customs Tariff is a

common document for all EU members, tariff rates may differ depending on the kind of the goods and the place of origin. These tariff rates serve to defend economic interests of the EU.

With the help of the Common Customs Tariff the Community exercises an important principle: the manufacturers in the EU compete fairly with each other and with the manufacturers outside the EU. An important element of trade regulation by means of the Common Customs Tariff is the definition of the Country of Origin. Special articles explain how to define the country of origin for all sorts of goods. When that is defined the system of preferences may be applied. Separate countries, or groups of countries, or kinds of goods may through the system of preferences get regular or temporary preferential rates of import taxes. Provision of such preferences is defined needs of the EU countries and serves as a defence element for European manufacturers.

Today among our neighbour countries we observe three types of borders.

First, traditional type of border between Poland and Belarus. Territories of the two countries are separated by a barbed wire fence, signalling devices, special tracking path, and regular border guard patrols on both sides. Citizens of both countries, just as citizens of other European countries, can cross the border at special border crossing points, they should have special documents which they are obliged to present to the officers in charge. They should comply with certain rules, pass certain procedures, and pay taxes, fees, charges, and excises, where necessary.

Second, the border between France and Germany. Border line is marked by road signs and resembles very much the border between Moldova and Ukraine in the soviet period. Here there is no officers, no document checks, no customs payment. This is now a sort of an internal administrative line inside the United States of Europe.

As an example for the third type is the border between Moldova and Ukraine or Ukraine and Russia. There are equipped border crossing points on the railways and main roads: guarded territories, buildings, offices, officers representing various services. Sometimes there are up to ten services present at the border point – Border Guards, Customs, State Road Inspection, Veterinary Service, Fitosanitary Service, Sanitary Service, Freight Hauliers Office, Declarants, Bank office, Consular office, etc. To most of them you need to prepare and present special documents or certificates. But outside the official crossing point minor roads are practically unguarded. Technically equipped border does not exist. Temptation is too great and smuggling becomes a well-organised business. The transparency of our Eastern frontier In this sense we can mention makes Moldova a very attractive country for the illegal immigrants from the Asian countries. In this sense we can mention that the Western frontier of Moldova and of Ukraine present the first obstacle for the illegal migrants which are travelling to Western Europe.

A border is a complicate organism, and its normal or abnormal functioning impacts the economy of the whole country. In the Republic of Moldova the structure that is responsible for the security of the frontier is the Border Guards Department. The National Army of the Republic of Moldova assures the security of the air frontier. Within the border crossing territory the border guards exercise immigration control. The customs and other services are responsible for freight control. So, control of the border is split into two parts: control of natural persons and control of goods, including personal belongings and personal luggage. In

both cases the controlling services at the border would be effective only in interaction with other law and order services: police, fiscal services and parliamentary commissions.

The sanitary, veterinary fito-sanitary services are extremely important. They have the purpose to assure the security of the country preventing the penetration or the introduction in our country of harmful elements (plants, insects, animals) or different infectious diseases of animals and peoples.

Border guards need to be provided with computers and communication equipment as well as training in modern techniques of database analysis. That would insure better interaction with police in identification and suppression of illegal activities of some tourist firms that sell falsified tourist and working visas and help Moldovan citizens to enter EU countries with the purpose of unregistered life and work there. Such information would also assist parliamentary commissions to elaborate effective measures in fighting against migration crimes. The police organs should co-operate more actively with the guards and with the Ministry of Foreign Affairs in order to limit and fight the illegal leave of our and other citizens to the EU countries, as well as the enetring on our territory of the persons that are outside the law. Such counteraction to criminal activities will be more effective in co-operation with colleagues in Romania, Ukraine and other countries and with the use of created databases.

The customs activities at the border should aim at shorter freight processing times using modern equipment and new freight control technologies. Perfection and implementation of the "Frontiera" information system would help to collect and process statistical data on exports, imports and freight transit. Such information would help the government to propose adequate economic regulations. Creation of database and data exchange with neighbouring customs would support the general fight against violation of export/import rules, drugs and ammunition trafficking and counterfeit goods trade.

Change in the Border Status

Before 1991 Moldova, at that time called RSSM in the frame of Soviet Union, as any other soviet republic had two types of borders. The western border with Romania had the status of the state border and was fully marked and equipped. Every inch of the border was precisely described in the documents and maps and marked on land. Along the whole borderline there were border posts, barbed wire fences, and special tracking band. A stretch of territory adjacent to border up to 20 km wide had special legal status of limited access space. A person who didn't live there permanently needed a special police permit to get there. The Eastern frontier with Ukraine has a statute of administrative border and was delimited on the map without any special details. The separation line on the field was corresponding with the parcels of certain localities.

This is why in present, though on the biggest roads there are barriers, customs and guards posts where there is a strict control over the documents and luggage by the customs workers and guards, there are a lot of possibilities to pass the Moldovean-Ukrainian frontier avoiding these points. This is why, at the end of 2001 the Government of Moldova decided to strengthen eastern border and establish several new border crossing points. According to that decision border guards shall not only check personal documents at the check points, but they shall guard the length of the border..

Through the framework of the international program TACIS-CBC starting from 1997 European Commission provides funding for several projects in Moldova aimed at modernisation of the border crossing points at Ungheni, Leuseni and Giurgiulesti. Groups of customs and border guards officers from those points were trained by the projects. A set of computer equipment that would help to speed up the processing of the documents for the goods crossing the border was installed at the Ungheni Customs. A spacious site with administrative building, canopies and four-control lane in each direction was provided for the freight section of Leuseni Customs. They also received training and necessary equipment. The tender file for the similar infrastructure construction and modernisation is prepared for Giurgiulesti Customs. Starting with 2002 there is expected the fulfilling of a similar program of development of the frontier-passing points between the Republic of Moldova and Ukraine.

Within the framework of another international program TACIS-TRACECA several projects provide technical assistance to customs department, which include training in modern technology of document processing at the border, identification of false and forged documents, and search for hidden goods. The projects also deliver computers and special software.

Present Situation along the Border – Interrelation of Border and Economy

At present more than 110 Customs posts, border crossing points and internal Customs form part of the Customs Department. Before 2001 on the basis of CIS interstate agreements Moldovan citizens could cross eastern border and travel through all CIS countries with national Moldovan passport (internal identity card) or old soviet passport. Identity card was also sufficient to cross western border and travel in Romania due to special relations between these countries. The goods crossing both eastern and western borders need the same set of international waybill documents.

The new Moldovan state considered the laws on the Border as high priority. National Laws on Customs Service, Customs Code, and Customs Tariffs were developed and adopted by Parliament soon after proclaiming independence. The Customs Code that was based on the Customs Code of the USSR was adopted in 1993. Later it was reworked with the use of new Russian Customs Code and customs legislation of the EU and the USA. The new Customs Code of Moldova was adopted in 2000 and came in force since January 1, 2001.

In 1994 Moldova entered the International Customs Union, which had 142 members in 2000. Moldovan Customs work in co-operation with the Customs departments of the neighbour countries: Romania and Ukraine. There are also co-operation agreements with Customs of France, Poland, Turkey, Israel, Russian Federation, Belarus and other CIS countries.

The two main authorities at the state border are the Customs and the Border Guards.

Customs officers control freights crossing the border. Their task is to facilitate legal traffic – through simplification of documentary check (using TIR documents) and implementation of modern technologies (mechanical reading of documents – scanner reading, and risk assessment methods) and to prevent illegal traffic – movement of stolen, smuggled or dangerous goods. The efficiency of customs service strongly depends on computer, communication and special equipment as well as special training and adequate funding of all

the service components. Needless to say that Moldovan customs service experiences strong deficiency in all types of equipment and funding, especially along the eastern border.

Border guards control human migration. Their task is to keep intact the whole space of the border between the border crossing points, preventing all attempts of illegal border crossing. And the second task is to exercise migration control within the border crossing points. As majority of illegal immigrants uses false or forged passports, or false or forged visas, the greater role belongs to providing border guards with special counter-forgery equipment and special regular training.

Successful economic development of independent Moldova is hindered not only by transparency of eastern border providing favourable conditions for smuggling, but also a lengthy gap formed by Transnistria territory. It is about 400 km long section where there is only pretence for border guards and customs control. Huge volumes of smuggled goods cross the gap in both directions. Political and financial interests of some people who share the business present substantial obstacle to understanding and collaboration of customs and border guards of Moldova and Ukraine. Even direct decisions of presidents and governments can not bring about practical mutual work.

Unresolved border problems resulted in dramatic decline in export of Moldovan fresh fruit and vegetables to Russia. This inflicted a heavy blow to Moldovan economy. Moldovan peasants can not sell or transport the grown produce to Russia through Ukrainian territory. Economic losses are inflicted also to transport agencies and suppliers of agricultural equipment and machinery and fertilisers.

The western hauliers of international goods shipments encounter several problems at the eastern borders. The direct ones are mainly due to different levels of harmonisation of vehicular transport regulations (including interoperability constraints of the rail network) and physical bottlenecks in the infrastructure. The indirect difficulties are due to inspection procedures by customs and other administrative bodies at border crossings. There are also other problems such as criminal activity towards the crew, vehicle or cargo.

In terms of mode share, rail freight has decreased considerably after the peak in 1989. This is not a surprising development at all as it can be interpreted as an adjustment of the former 'administrative' modal split to a more market-oriented modal split bearing in mind the long-term modal trends in Western Europe. The newly generated cargo traffic is largely non-bulk and is using road. Containerisation will likely follow the development of combined transport by containers in Western Europe.

Customs transit is one of the corner stones of European integration. It is vitally important for European business. The customs transit procedures should secure more free circulation of goods and simplify customs clearance formalities. Traditionally, while freight was transported through territory of one or more states along an international road route the customs authorities of each country applied their national control and procedures. They are different in various countries. In practice it means: the goods are inspected at each of the borders of the route, they are subject of evaluation and collection of customs transit fees, and this causes significant expenses, delays and obstacles in international transportation.

A special TIR (Transport International Route) system was created to subdue difficulties for freight hauliers and to provide for the customs an international control system to substitute national procedures and secure the same revenues for each country.

The TIR transit system is based on four principles:

- The freight should be stored in the freight sections of transport vehicles or containers that meet international standards;
- A single international guarantee is established to compensate risks in transportation of transit freight over the territories of the countries of origin, transit, and destination;
- A freight is provided with international customs license issued in the country of origin and serving the control document in the countries of origin, transit, and destination;
- The documents witnessing customs inspection of the freight in the country of origin should be recognised by the customs in the counties of transit and destination.

National Association of International Road Hauliers (AITA) was formed in Moldova in 1994. AITA played as a guarantor in the TIR system. Joining the TIR system helped Moldova to sustain high level of trade exchange between Moldova and its neighbors and to remain within the system of international transit transportation.

Growth of transport flows between East and West and active participation of CIS companies in international transportation led to growth of smuggling and cheating, especially in the countries of Central and Eastern Europe. This effect may be explained as consequence of political, economical and social situation in all countries of the region, and of increased taxes and customs fees. Transit TIR system may escalate the problems for national customs services mainly in CIS countries that do not have sufficient experience and adequately trained personnel. Striving to oppose such negative phenomenon as transport crimes, some governments may adopt unilateral measures such as introduction of additional guarantees for TIR transit, which are not in conformity with the main line of TIR Convention.

Smuggling or illegal import to Moldova is a serious problem for the country where the state budget losses amount to many million lei. In 1997-98 there was a substantial difference between the officially declared volume of imported oil products and estimated sales volume in the market. Moldovan economy regularly consumed about 1 mln. tonnes of oil products. Only half of the amount passed customs clearance (the amount and cost declared at the border and duties, excises and taxes paid), e.g. in 1999 only 232 th. tonnes were declared as imported. These figures were regularly published between 1996 and 2001. In 1999 the state budget lost about 800 million lei as excises unpaid, while the total budget amounted to 3 billions lei. That year the Customs Department supplied to the budget more than 1 billion lei collected at the border (the state budget deficit in 1999 was 370 million lei). It is hard to believe that hundreds or thousands tonnes of fuel were transported through the fields out of the road. Sometimes fuel carrying trucks crossed the border under surveillance of police, customs, or other officers.

Transparency of the border with Ukraine and existence of the uncontrolled gap in the section where Ukraine borders Transnistria provide favourable conditions for emergence of smuggling channels and formation of organised criminal groups. These groups smuggle grain and vegetable oil, yoghurts and sausages, cigarettes and alcohol. Some goods enter the country supplied with insincere declaration, they avoid customs payments, as if temporarily imported, or as in transit or tax free. Still another method to avoid payments to the budget is to intentionally decrease the customs value of the goods.

A lot of food products, cigarettes, clothes, etc., great part of which is falsified, is also smuggled. Smuggled goods compete in the market with legally imported goods; they are cheaper, their quality is lower, and sometimes they are dangerous for health. Counterfeit or

falsified goods occupy considerable share of the market. Partly these goods are illegally imported (cigarettes, CDs, alcoholic drinks, clothes, shoes), and partly they are produced in Moldova and sold in the local market and also illegally exported (wines and brandies of popular trademarks).

The problem of illegal migration became more acute after collapse of the USSR. That event led to sharp increase in the flow of travellers from South and South-East Asia in transit to Western Europe. Geographically Moldova was on that route. According to the press-centre of the Information and Security Service of Moldova this agency (ISS) since 1992 identified and sent out of the country more than 15 thousands of illegal migrants who came to Moldova with the purpose to cross Moldovan-Romanian border. In 2000 ISS forbade entrance to Moldova to hundreds citizens of Iraq, India, Pakistan and other countries attempting to transit Moldova on the way to Western Europe. Still, there were some cases when in the airports of Central Europe some travellers from South-East Asia were detained with Moldovan passports. Illegal migration is accompanied by growth of criminal activity in the country, by import of various infections, it threatens the state safety. Criminal channels that are used for illegal human trafficking are also used for transit of drugs, weapons, and criminal fighters to the “hot spots” in Europe and CIS.

Another side of the problem is illegal migration of Moldovan citizens to the EU countries. They often use false passports and forged visas. Sometimes they use genuine passports and tourist visa to enter the country legally and remain there after the visa expires. Some of them travel to Russia and work there without registration, which is also violation of rules. In every case illegal stay in the country hiding from authorities put our citizens into difficult situation with access to decent work and habitation and makes them vulnerable to employers and civil servants. Often they become easy prey to criminals either as victims or their partners and accomplices. (“That criminal rubbish: Gypsies, Moldovans and Tadjiks force Russian children to beg for living in Moscow subway and then rob them” – this is a quote from Moscow TV 1 Channel transmission on January 28, 2002. “Such people should be punished without mercy” – was the comment of Russian vice-prime minister Valentina Matvienko).

According to Moldovan newspapers, one million Moldovans still work in the native country (about half of them are paid from the budget and another one works in private business), and between 600 thousand and 1 million Moldovans work abroad. Only in Moscow (city and region) live and work about 220 thousand Moldovans and only 64 thousand of them are officially registered.

Moldovan illegal immigrants spread all over Western Europe and Israel. European authorities undertake different measures against them. Portugal offers all illegal immigrants from Moldova (about 20 thousand of them) official registration and permission to live. Italy picks up illegal Moldovans and sends them back home by plane.

It should be noted that a great part of Moldovan population survives thanks to the money sent home by their relatives temporarily working abroad legally or illegally.

The illegal mass export of women and girls to European countries and Turkey brought Moldova notorious fame. There are a lot of “tourist” firms that proposed to young women and girls the assistance to go abroad and to work there. This illegal trade reached great scale in the last five years. According to press victims number in thousands. This problem has two important sides to note. Moldova loses its genetic fund of the whole generation and hope for

the future. The problem is still more tragic as many of those women were sold by their relatives and acquaintances.

Through foreign mass-media the image of impoverished and criminal Moldova is settled in the minds of our neighbours more deeply than the image of sunny welcoming country producing excellent wines and ecologically pure fruit and vegetables. Washing down the dirty image would cost our country tremendous efforts, huge money and long time.

In order to solve this problem Moldova receives assistance from the part of the Stability Pact and from a series of programs financed by the European Union, UNO and other social and nongovernmental organisations, of several European countries (for example, the Government of Holland). In August 2001 the Parliament of the Republic of Moldova approved a new article 113/2 of the Moldova's Penal Code which provided the responsibility for traffic/selling of human beings.

Moldova were included in the routes of illicit drugs circulation. Moldova is located on one of the routes from Asia into Europe, and Asian drugs transit Moldovan borders and territory on their way to the consumer. Transiting Middle Asia, Russia and Ukraine. Some flows come via Transcaucasian republics and also through Kurdistan and Turkey. Their destination is Western Europe, and some part unfortunately find customers among Moldovans.

Struggle against local production of drugs and illegal drugs trafficking needs support in a form of rigid legislation against producers, distributors and drugs couriers. It should also be supported by technical equipping of customs and specific police sections and provision of specially trained sniffing dogs at international airports and border customs where freight and passenger flows are most intensive: Chisinau, Leuseni, Sculeni, Ungheni, Cahul, Otaci, Ocnita, Briceni, Palanca.

All the above problems are connected with imperfections in Moldovan law. Fighting such crimes demands heavy expenditures. And saving money at the expense of such fight may bring total degradation of the society and decay of the state.

The problem of strengthening of the state borders of the Republic of Moldova contains the following aspects:

- strengthening of western and eastern borders of Moldova is the demand of the country economic safety and at the same time it is a demand of the EU to all its neighbours who seek to join it;

- construction and equipping of border crossing points needs considerable expenses and Moldova may rely on substantial support from the EU;

- use of modern technologies of document and freight processing at the border would substantially cut down idle queuing of transport and would make our border crossing points and transit routes more attractive to international hauliers.

We should always keep in mind that our neighbours Romania and Ukraine are interested in getting transit revenue; they regularly improve their border crossing points. Transit transport is attracted not only by good order at the border crossing but also by good roads. Investment in border crossing improvement would become useless if transport infrastructure is in bad order.

Development of any country may be based only on limited number of revenue sources: industrial or agricultural production, sale of mineral or raw materials, sale of special services, like tourism or financial, banking, and etc. In the current years Moldova as a country survives on the two sources of income: customs payments that represent specific tax on international trade, and earnings of great part of population who work abroad and send home their saved money. These two sources are closely related: negative trade balance is possible at the expense of regular inflow of hard currency earnings of Moldovan gastarbeiters. The state budget revenue structure is unpractical as the corporate income tax is by far less than customs fees collected on consumable imports.

In order to overpass these situations, Moldova should enterprise several actions of political, legislative, organisational and technical character and we can mention the above:

Political side: While the Moldova is divided and does not control its borders, it will not be recognised by the European Union as capable to negotiate even joining the list of candidate countries. The assistance Moldova receives from the EU now is only a small portion of the amount Moldova could get if resolves its separation and border problems. Moldova is running out of time with restoration of economy, which cannot effectively recover without massive international investments.

2. Economic Development: A country intending to join the EU should have sufficient level of living standards. In the period 1998-2001 Moldovan GNP per person was less than US\$350 (according to the World Bank estimations). This level is 3-4 times lower as compared with our nearest neighbours and 10-20 times less than in the countries ready to join the EU.

3. Social Development: Securing human rights.

Securing or violation of human rights to a greater extent is an economic or cultural problem than a juridical one. Violation of human rights may be often explained not so much by inadequacy in law but by criminal intention of those people who by their position are obliged to protect those rights.

4. Legal Side: Legislation dealing with defence of the border and customs legislation needs to be brought in accordance with the EU norms.

5. Technical Side: All the organisations and services directly dealing with defence of the border and protection of the economic interests of Moldovan state and Moldovan citizens and enterprises should be assisted in acquiring modern equipment and methods that would ensure implementation of quick and reliable identification and checks of personal and freight documents with the use of communication, software and databases.

At all international border crossings located on main transit corridors there need to be a consulate department to issue visas to entering foreign citizens. International border crossings should have some minimal set of modern equipment. A standard set of equipment for customs and border guards at the international border crossing includes:

1. Computer at each workplace with access through local network to a powerful server, that has data bases on goods nomenclature, and also data bases of certain people: criminals and violators of customs rules, stolen or lost vehicles, and of companies that attempted to break customs rules;

2. Secure communication line permitting to send with no delay a message and data on transport and people crossing the border to other customs and border guards points;
3. Special equipment to identify false and forged passports and visa, to analyse precious metals and drugs;
4. Stationary and portable radioactivity sensors, X-ray equipment to check personal luggage;
5. Emergency electricity diesel-generator to ensure non-stop work of the border crossing point.

All international border crossing points need to have special sniff dogs trained to find drugs, explosives and humans, hidden in vehicles.

The border is a complicate object that strongly influences various sides of economic and legal activities and safety of the country as a whole and of almost all private citizens. Therefore it needs special attention and assistance from the state authorities and understanding of the population.

Consolidation of Border Security and Regional Stability

IPP, Bucharest, Romania

For a pragmatic approach of the topic of great actuality on the necessity of enhancement of border security and simultaneous assurance of the fluidity of passenger and freight traffic, in the interest of the citizens and economic agents, the development of this study involved specialists from several fields, with an activity related directly or indirectly to the subject of the study.

We started from the idea that Romania, the Republic of Moldova and Ukraine are sovereign and independent countries, having common preoccupations and specific interests in the issues of border security, as well as provision of peace and stability in the region, those three countries being members of certain international organizations and wishing to comply with the duties they undertook by associating with these organizations.

The approached theme is larger than the present research. In this case, we wanted to outline the collaboration between Romania and the Republic of Moldova, considering the specificity of the relationships between these two countries. Thus, we seek to highlight some specific possibilities that could lead to the amplification of the freight traffic in complete security, at the border between Romania and the Republic of Moldova, as well as the necessity and possibility that both countries act in common in this sense, multiplying the material and spiritual links which, in the interest of the citizens from these two countries, are to contribute to their approach.

The study was developed between November 2001 and February 2002 by a group of specialists from the Ministry of Foreign Affairs, General Inspectorate of Border Police, General Customs Direction, SECI Center and the Romanian Association for Foreign Policy. During the collection of information, an additional analysis of the legal framework was performed, which regulates the field of study, as well as the statistical and economic data, conclusive for the relationship between the Republic of Moldova and Romania. Due to the European nature of the discussed theme, an increased attention was paid to the provisions and standards of the European Union in this matter, as well as to the recommendations of the European Commission formulated in the Country Report on Romania from 2001.

Chapter I

1. The rapid evolutions at the regional and global level lead to the particular increase of the volume of freight and passenger traffic and at the same time impose decisive measures for the combat of terrorism, criminal phenomena manifested at the borders.

The processes of global and regional integration gain a larger magnitude. For the countries of the region that also includes Romania and the Republic of Moldova, it is obvious that in their transition to the market economy, the solution is the rapid and efficient adjustment to the European structures. The opening of the European Union towards the countries from Central and Eastern Europe represents in fact the recognition of a common Europe of the same civilization.

In the context of acceleration of the globalization process, the European Union undertook increased responsibilities for the provision of security, stability and improvement of the situation of the southeastern European countries. The creation of the Economic and Monetary Union and the introduction of a common currency confer the European Union a new dimension in the promotion and acceleration of cooperation relations with the southeastern European states. The adherence to the European Union of certain new states from the Central and Southeastern European space will strengthen its role as an international and regional factor. In addition, the expansion of the European Union market creates new business opportunities.

The regional and sub-regional cooperation is institutionalized at new dimensions within the new structures and evolution at the level of European space. The association of the countries from Central and Southeastern Europe with the European Community and the potential opening for other participants (countries emerged after the collapse of the former USSR, as well as after the disintegration of former Yugoslavia) reflects the new evolution of the process of European integration.

The idea of rapid and profound mutations at the global and regional level is significantly illustrated by the changes that have already occurred and the ones that are being profiled after the terrorist attacks on the USA from September 11, 2001, the international community increasingly concentrating its attention on the fight against terrorism. These changes will have impact on two issues of great importance for the Central and Southeastern Europe, accordingly the NATO expansion and the process of expansion of the European Union.

Prior to September 11, 2001, there existed mainly two factors that were imposing the extension of NATO. It is about the pressure of the eastern European countries, which requested admission to NATO, as well as the desire of US Administration to gain additional credibility thought the continuation of extension of North-Atlantic Alliance, despite the reserves of other states, particularly the Russian Federation. None of these factors represents a strategic rationale for the North-Atlantic Alliance, only a political one. That is why one can say that prior to September 11, 2001, the NATO expansion did not have, at least apparently, a strategic dimension. The Alliance viewed the expansion as a respect of promises given to the candidate countries and as a way to show that the Southeastern Europe is not an exchange currency. In these conditions, the biggest chances to be included in NATO seemed to have the countries with a good economic potential, in their case the expansion being accomplished at more reduced costs.

After September 11, 2001, the situation has changed and it is not excluded that it will gain new dimensions until the Prague Summit from 2002. The strategic reasons tend to become more important than the ones of political nature. It is increasingly obvious that the relationship between the Alliance with the Russian Federation, which declared its support in the anti-terrorist fight, has witnessed a profound change and, in prospective, the US priorities will also change due to the fact that it is sufficiently interested to define the role, including Russia's, in the global security system.

Although the US declared that it will maintain the support provided to some countries from the Southeastern Europe, it is understandable that this support will have to be ultimately undertaken by the Western Europe to what regards the provision of security, as well as the development of certain regional strategies. In this situation, in order to achieve more rapid

processes in the process of adherence to the EU of southeastern European countries, one needs a new perspective, adapted to the new or older challenges.

2. The Schengen Acquis envisions, in essence, the facilitation of personal trips with the observance of certain well-established standards.

One of the most important initiatives designed to facilitate the trips of citizens in the European union originates from the agreement among Germany, France and Benelux countries (Belgium, Netherlands, Luxemburg), which was signed in Schengen in 1985. In addition to the Agreement, the Schengen Convention was signed by the same five countries on June 19, 1990. The Convention formulates the necessary measures and guarantees for the implementation of free circulation of persons. The provisions of the Convention amend the relevant laws from each country and must be subject to ratification by the Parliament. The list of signatory countries was supplemented with Italy, Spain, Portugal, Greece, Austria, Sweden, Finland and Denmark, Iceland and Norway, all these countries becoming parties of the Convention. The Accord and Convention, together with the declarations and decisions adopted by the Schengen Executive Committee, for the so-called Schengen Acquis. In the course of edition of Amsterdam Treaty, in 1997 it was made the decision to include this acquis in the acquis of the European Union, because it refers to one of the greatest objectives of internal market and namely the unrestricted circulation of people.

At the moment of enforcement of the Schengen provisions, in 1995 the signatory states eliminated the internal borders and established a new common external border, where the control, for the entrance in the Schengen space, was accomplished according to a common set of rules and procedures. Thus, the member countries elaborated common rules related to the visa conditions, right for asylum and control of the external borders of the Schengen space, designed to facilitate the free circulation of persons. In 2001, 13 member states of the European Union (Belgium, Germany, Greece, Spain, France, Italy, Luxemburg, Netherlands, Austria, Portugal, Denmark, Finland and Sweden) joined the Schengen Accord. Ireland and Great Britain approved only certain provisions of the Schengen Accord, which refer to the “cooperation between the police forces” and “legal cooperation”, refusing to conclude agreements with other Schengen countries in the field of customs control.

The Schengen Accord does not raise only the issue of border control; it also covers other fields such as the policy in the field of justice and internal affairs. In this field, one attempts to reduce as much as possible the negative effects that could emerge in the assurance of internal security, as a consequence of elimination of control at the internal borders of the member countries (compensatory measures).

The achievement of standards regarding the elimination of internal borders and the control at the outer borders of the European Union also blocks the fulfillment of the requirements stipulated in the Schengen Acquis. Each participant state is responsible in front of all member states for the guaranteeing of external borders of the EU against illegal immigration, drug trafficking, traffic in humans and hosting of other criminal activities. Thus, in order to establish a balance between freedom and security, the freedom of circulation was accompanied by the so-called compensatory measures. These imply the improvement of coordination between police, customs and justice and adoption of necessary measures for the combat against criminal phenomena such as terrorism and organized crime. In order to make

this thing possible, a complex system of information was created called Schengen Information System (SIS) for the facilitation of exchange of information regarding persons and goods. In Romania, according to the new legislation adopted in 2001 regarding Romanian state border, the National Information System was created regarding the circulation across the border of the persons and goods, a system that is unitary at the national level and that allows the record-keeping, collection and capitalization of the information regarding the cross-border criminality and border criminality related to persons and goods.

Within the necessary measures required for the adherence to the European Union, the candidate countries are recommended to establish, as soon as possible, a Schengen Plan of Actions, which would signify the total understanding of the full implementation of the Schengen Acquis, certain specific results being already obtained, as well as a thorough and viable program for the adoption and implementation of the remaining measures. The Schengen Plan of Actions of Romania provides measures related to the external control of the borders and their inspection, visa policies, cooperation in the field of police, anti-drug fight, the regime of weapons and munitions, legal cooperation in the field of criminality and extradition, the situation of the Schengen information system, as well as references to the protection of personal data. The Approach of the Schengen Plan of Actions is not limited to legal measures, but also includes measures for the improvement of capacity for operational actions and their practical implementation. The equipment and the infrastructure, training, as well as the budgetary measures represent elements of similar importance. Romania presented to the European Union the position document of the chapter 24 regarding the Justice and Internal Affairs of the community Acquis, document that includes as an annex the Schengen Plan of Action. The preparations for the plenary implementation of the Schengen Accord represent a continuous process. That is why the Plan of Action covers the whole period prior to the integration with the European Union and elimination of the control at internal borders. The Schengen Plan of Action is increasingly important to Romania as at the beginning of 2002, the visa requirement for the Romanian citizens was eliminated, fact that involves an increased responsibility of Romania with regard to the requirement of consolidation of security at the external borders of the Schengen space Romania was integrated with.

For the adjustment to the visa policy of the EU, the Romania state will introduce the visa requirement, especially for the countries with a high migration potential, implying the conclusion of new agreements related to visas. This specially envisages the update of the list of the countries that need visas according to the EU list, particularly Bosnia-Herzegovina, FYROM, Russian Federation, Ukraine, Federal Republic of Yugoslavia and Turkey.

According to the Ministry of Foreign Affairs of Romania, the privileged relations with the Republic of Moldova determined Romania to provide it with a special regime, officially stated in the position document of the 24 chapter regarding Justice and Internal Affairs of the community acquis, so that the citizens of the Republic of Moldova do not need a visa for entrance to Romania up to the moment of adherence to the EU, the crossing of the border between those two countries being performed on the basis of the Moldovan passport. Due to the fact that the Constitutional Court from Chisinau deliberates on the modification of the law on citizenship in the sense of acceptance of double citizenship, the discussion continues regarding the possibility of use of Romanian passport for the transit of the Moldovan border towards Romania for the Moldovan citizens also having the Romanian citizenship.

In Romania, the double citizenship is permitted by the law, the Romanian state offering the Romanian citizenship to the Moldovan citizens at their request. We should emphasize the fact that the citizens with a double citizenship, Romanian and Moldovan, can travel to the Schengen space in the same conditions with the Romanian citizens, of course by complying with the provisions of the legislation in this field.

As a real expression of the special and privileged relationships between Romania and the Republic of Moldova, as well as of the desire of Romania to support disinterestedly the citizens of the Republic of Moldova, based on an intergovernmental Agreement signed on July 27, 2001, Romania has provided financial support to the Republic of Moldova in order to cover the costs of the passports for some categories of its citizens which will travel to Romania. However, the final report regarding this approach highlighted the fact that the demand for new passports by the citizens of the Republic of Moldova was under the planned level of financing by Romania, the demand being of 30 000 passports, i.e. half of the planned amount.

3. Elimination of visa requirement for the Romanian citizens wishing to travel in the Schengen space starting with January 1, 2002, makes the eastern border of the European Union coincide with the Romanian borders.

The reunion of the Council for Justice and Internal Affairs of the European Union from December 7, 2001, decided to eliminate the visas, starting with January 1, 2002, for the citizens of Romania who wish to travel in the Schengen space.

This decision of the European Union is particularly important and signifies the recognition of the efforts of Romanian citizens during the last years for the consolidation of democracy. The elimination of visas will have major effects from the economic and social perspectives, increasing at the same time the possibilities for the development of the economic sector, particularly of small and medium enterprises, with a decisive role in the transition to the market economy and with the contribution to the mobility of students and academic environment.

As a result of this decision, the eastern borders of the European Union coincide with the borders of Romania. This fact creates for Romania new duties and responsibilities in front of the common space of internal security of the EU. Special responsibilities also go to the ones benefiting from elimination of visa requirement. The Romanians that will be traveling to the Schengen space must respect the conditions agreed upon with the member states of the EU. Thus, the Romanian citizens traveling from tourist or business reasons on the territory of the member countries of the EU or of other countries that do not require entry and exit visas, before the exit must present the following documents:

- Medical insurance;
- Roundtrip ticket;
- Green card of the vehicle (in case of travel by car);
- A minimal amount of currency whose volume is established depending on a reference amount and the destination or transit country.

The chief of the border transit point could deny entrance (interruption of the trip) to the persons failing to present the above-mentioned document.

It is worth mentioning that, for the adherence to the European Union, the Romanian authorities have initiated a set of measures in the field of internal affairs with the primordial goal to stop the illegal migration to and through Romania, as well as for combat against organized crime and/or other illegal acts committed by Romanian citizens. A major importance in this sense represents the recent adoption of some legal provisions regarding the state border of Romania as well as organization and functioning of the Romanian Border Police (on June 27, 2001), according to the model of border police forces from the EU countries, on zonal directions, at the level of each border and the Black Sea. Thus, one achieved a 36% reduction of the non-operative costs from within the central units which were transferred to the execution structures of the green border, 70 percent of the financial expenses were transferred to the operative field, means of transportation and computing equipment were transferred to the operative field, a common concept of action was provided depending on the specificity and the challenges of each border. In addition, the Romanian Border Police was made compatible with the similar structures from the European Union, a fact that wants to contribute to the intensification of collaboration at the international and regional level.

Similarly, in 2001 new legal provisions related to the status of the aliens in Romania was adopted, establishing conditions for the entry, stationing, as well as the conditions of expulsion, with the specification of the procedures of verification of documents, visa issuing, conditions for the establishment of residence in Romania and the requirements for the exit of aliens from the country. This new law outlined a legal framework for the reduction of illegal migration, the relevant statistical situation showing that in 1998, 2 830 foreign citizens were expelled because they did not meet the requirements for the entrance and residence on the territory of Romania, their number increasing in 1999 up to 3 431 foreigners and decreasing in 2000 up to 2 498 persons.

The law regarding the status of aliens also modified the conditions for getting work authorizations in Romania. According to the new legislation, in order to work in Romania, a foreign citizen must have a work visa and a work authorization issued by the Ministry of Labor and Social Solidarity. The aliens stationed in Romania cannot involve in activities contrary to the reason declared when claiming a visa. Thus, in the case of holders of visas for study in Romania, the issuing of work authorizations is prohibited. The work authorization issued without the observance of these provisions, as well as the employment contract concluded based on this authorization, is invalid. With regard to the issue of readmission agreements, the initiation, signing and their permanent re-actualization continued. Between Romania and the Republic of Moldova, the Agreement on readmission has been signed, presently it being ratified by the Republic of Moldova and in the last phase of the legal procedure of ratification, in the Parliament of Romania. For the enforcement of this agreement, the authorities of both countries are compelled to receive back the alien citizens, including the stateless persons, which, coming directly from their national territory, transited illegally the border or are illegal residents in the other country party of the agreement. From the discussions held in the development of the present study it is implied that in the present situation, different problems appeared several times in the relations between the Romanian and Moldovan authorities due to unsettlement of this aspect. The existence and ratification of the Agreement is vital for the security of the passenger traffic between those two countries and the enforcement of its provisions should not be postponed.

For the alignment to the EU policies were introduced restrictive measures for the visa approval for the citizens originating from the countries with an increased migration potential, in order to eliminate the legislative gaps exploited by the so-called “students” or “businessmen”, whose principal travel purpose is to transit Romania in their journey to the Western Europe. As a consequence, the Romanian Border Police issued in 2001 an increased number of exit visas and legal expulsions. Moreover, a significant number of citizens originated from countries with an increased migration potential was denied access to the territory of Romania.

Due to the fact that an important attention is paid to the refugees and the asylum claims with respect to Romania, in 2001 new norms relevant to the field were elaborated in the sense of alignment to the community acquis, undertaking measures for the assurance of a minimum standard of support and reception of asylum seekers in the course of claim resolution. The legal framework guarantees for the applicants of refugee status the access to the procedures and, depending on the case, to the national territory. The central authority responsible for the implementation of Romania’s policies in the field of refugees is the National Office of Refugees from within the Ministry of Internal Affairs. The National Office of Refugees possesses two residence centers in Bucharest with a total capacity of 750 beds. In addition, within the International Otopeni Airport there is a residence center for the asylum seekers with a capacity of 20 beds. Three new centers are being arranged in Bucharest, Galati and Timisoara. The future center from Bucharest will provide residence areas for the unattended minors.

In its 2001 Report, the European Commission remarks the progresses made by Romania, appreciating the important measures regarding the border control and at the same time calling attention to the necessity of a greater effort for the consolidation of administrative capacity and improvement of cooperation between authorities with attributions to borders.

Chapter II

1. Framework of bilateral cooperation between Romania and Moldova

The relations between Romania and the Republic of Moldova, two sovereign and independent countries, have a special, privileged character based on the similarity of origin, culture, language and national history. This means that, regardless of the leadership of Romania or the Republic of Moldova, the political forces governing in Bucharest or Chisinau, the nature of these relationships cannot be changed. At the same time, this implies that, through a realist, coherent policy and in the interest of the citizens from both countries, it is possible to get to the deepening of the bilateral relationships, to the approach between Romania and the Republic of Moldova. From the discussions held with the representatives of Romania in the accomplishment of the present study resulted that Romania is profoundly interested in the support of the Republic of Moldova on a pragmatic basis. On this background however, it is possible to remark that one cannot reach a common vision in Romania and in the Republic of Moldova regarding the relations between those two countries, including to what regards the consolidation of border security between the two states.

Romania has provided and continues to provide a political, diplomatic and economic support to the Republic of Moldova with consideration of the needs of the neighbor country and in the sense of amplification of the links between the Republic of Moldova with the developed countries, with the European and Euro-Atlantic structures. The western countries and the representatives of different international structures perceive in a correct way and appreciate this support. Significant in this sense is the declaration made in Chisinau in 2001 by Mr. Bodo Hombach, the special coordinator of the Stability Pact for the South-Eastern Europe, where he emphasized that for the Republic of Moldova, the relationship with Romania represents a vital interest also considering that the Government of Romania insisted a lot for the adherence of the Republic of Moldova to the SPSEE and worked intensely and consistently in this direction.

The bilateral collaboration manifested itself through the legal recognition of some mechanisms with the creation, within the governments of these two countries, of distinct governmental structures to deal with the management of the bilateral relations. On the other side, more important is the fact that, despite the signing between these two countries of bilateral documents which regulate and favor the collaboration in all the aspects (political, economic, cultural, international), however, the materialization of these agreements is not always felt in reality, the agreements often being declarative and their implementation being seldom accomplished.

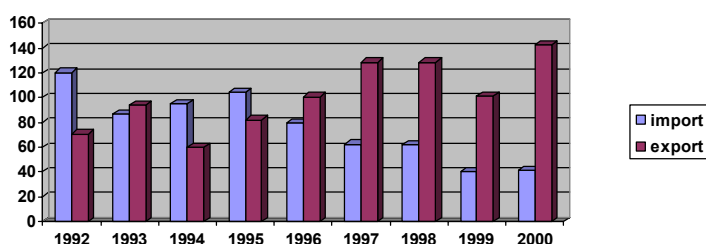
The collaboration between the two states is more noticeable in the cultural and economic relationships. Thus, annually 1500-2000 of graduates from the Republic of Moldova were trained on Romanian scholarships by the universities and other higher-education institutions from Romania.

With respect to the evolution of commercial-economic exchanges between Romania and the Republic of Moldova, one can ascertain that, since the proclamation of state independence of the Republic of Moldova, Romania responded to the diverse demands on behalf of the newly-emerged country offering a specific program of assistance, in form of economic assistance, including the non-reimbursable, as well as in form of some credits with rather advantageous conditions (long-term, without interest, with a grace period).

The evolution of trade between Romania and the Republic of Moldova, as well as the place of Moldova within the volume of Romanian trade, can be viewed in the table and chart from below.

Foreign trade between Romania and the Republic of Moldova during 1992 – 2000

	1992	1993	1994	1995	1996	1997	1998	1999	2000
Export	70,7	94,2	59,6	81,9	100,7	128,7	128,7	101,0	142,3
Place	20	15	22	21	18	15	13	16	14
Import	120,5	86,7	95,1	104,5	79,8	62,4	61,8	40,4	41,3
Place	16	15	15	19	27	30	29	35	>25



In Romania's exports prevail the supply of mineral products (which in 2000 had a share of 60%), metallurgic products (8%), chemical products (5.7%), wood paste, paper and cardboard (5%). In the imports, the most important shares go to: vegetal products 20%, animals and animal products – 14.9%, food products, beverages, tobacco – 13.3%, construction materials – 10%.

All these imply a significant passenger and freight traffic through the border crossing checkpoints along the Prut River, which has to be accomplished in accordance with the European standards, with the norms regarding the consolidation of border security.

In 2001, at those 7 crossing checkpoint of the border between Romania and the Republic of Moldova was registered, according to the data of the Romanian side, a traffic of 2.279.800 persons - 235.232 Romanians and 2.044.568 foreign citizens, a smaller number compared to the year 2000 when the total of persons crossing the Romanian-Moldovan border was of 3.018.659 persons, including 266.462 Romanian citizens and most of the part were foreign citizens - 2.752.187 persons. (See the detailed passenger traffic at the border crossing checkpoints in 2000 and 2001 in the annex)

The preoccupation of the two countries to comply with the exigencies of the European Union were materialized in the signing, in Chisinau 2001, of the Agreement between the Government of Romania and the Government of the Republic of Moldova regarding the reciprocal travel of the citizens on the basis of passports and on July 27, 2001 was signed the Agreement regarding the readmission of the aliens. At this moment, the Agreement was ratified by the Republic of Moldova and the ratification by the Parliament from Bucharest is in the last legislative phase at the date of accomplishment of this study.

In addition, in 2001 was signed the Protocol between the General Inspectorate of Border Police from within the Ministry of Interior of Romania and the Department of Border Guard Troops of the Republic of Moldova regarding the reciprocal travel of the citizens of these two countries.

2. The enhancement of border security does not imply and does not signify the adoption of measures in contradiction with the free circulation of the people. It means primarily the fight against the criminal manifestations and disregard of law. Between Romania and the Republic of Moldova, the consolidation of border security is imposed considering the real situation of the eastern border of the Republic of Moldova.

The consolidation of border security is an issue of mentality, accordingly this should be viewed as a measure to assure the unobstructed and fully secure access of those who recognize and comply with the law. To what regards the consolidation of the border between Romania and the Republic of Moldova, the fight against cross-border criminality also implies the settlement of the problem of Transdnistrian border and the solution of the issue of eastern border of the Republic of Moldova.

Despite the fact that there is no more war on the Dniester River, the conflict has not been totally settled and still constitutes a major factor of tension at the internal level, for the sovereignty and territorial integrity of the Republic of Moldova, as well as on a broader level, for the security of the region and Europe. Considering the special relationships with the Republic of Moldova, as well as the danger that this conflict represents, Romania has pronounced itself consistently and acted actively for its settlement. In all steps that were made in this view, Romania started from the conviction that this conflict can and should be solved in a peaceful manner in order to assure the territorial integrity of the Republic of Moldova, guaranteeing of observance of all the provisions related to human rights contained in the OSCE documents, including the ones related to the persons belonging to national minorities.

For the consolidation of security at the eastern border of the European Union, similarly important as the resolution of the Transdnistrian conflict is the solution of the problem related to the eastern border of the Republic of Moldova, at the limits that separates it from Ukraine. Considering that a large part of this border stretches along the border of the self-proclaimed Moldovan Transdnistrian republic, the difficulty of preventing cross-border migration, drug and weapon trafficking, organized crime is obvious. Or, it is known that for the migrations originated from Indochina, the itinerary includes the east of the Republic of Moldova, coming from Moscow and Kiev up to Chisinau. In addition, one knows that, in the last years, the number of illegal crossings of the border by an increasing number of citizens belonging to the CIS space has risen. The number of citizens attempting to transit stolen to the CIS space is also increasing. It is no doubt that all this prove the necessity of common and energetic activities of the customs bodies from Romania and the Republic of Moldova. They require primarily measures for the consolidation of the eastern border of the Republic of Moldova.

3. Threats to regional security

The geographic position of these three countries: Republic of Moldova, Ukraine and Romania, placed at the crossroads of some important transportation and commercial international vectors, represents a determining factor in the inclusion of these countries in the main itineraries used by the organized crime networks. The political changes from the 90's, on the background of economic instability, permeability of the borders, increased corruption of the border officials, have determined an alarming development of criminal networks.

In Romania, the border authorities had to change their attitude towards the public, changing from the state of repressive institution to the position of a confident partner of the passengers and transportation and newly emerged trade companies. The Republic of Moldova, as well as Ukraine, former soviet republics, had to establish their own border structures after the declaration of independence.

All these evolutions require political will, financial and human resources. In this sense, the countries from the region have benefited from technical assistance and equipment through the projects financed by the European Commission (PHARE and TACIS, Twinning, etc.), as well as by the World Bank.

We have to mention the considerable contribution of the PHARE programs in Romania, particularly regarding the endowment of the Border Police. The 1999 PHARE National Program provides the procurement of patrol motor vehicles and craft boats with a value of 4 million EURO, as well as equipment, computers and specific devices with a value of 3 million EURO. In 2000, the PHARE National Program provides the procurement of patrol motor vehicles and craft boats with a value of 3.75 million EURO, equipment, computers and specific devices with a value of 2.02 million EURO, surveillance equipment with a value of 5 million EURO and a communication system of 2.5 million EURO. The PHARE National Program provides the procurement of specific equipment with a value of 0.41 million EURO. The delivery of technical assets procured through PHARE programs will be finalized in the first half of the year 2002. For the current year, were planned projects of financing with a value of approximately 17 million EURO.

The way of financing the projects of the European Commission, which conditioned the accomplishment of the project phases of adoption of certain fundamental regulations stimulated the authorities in the initiation and promotion of the legal framework necessary for the accomplishment in normal conditions of the activities of border crossing. As a characteristic of the region, the legislative reform (harmonization with the legislation of the European Union) as well as the adoption of modern procedures is being accomplished.

4. Cooperation in the combat against cross-border criminality

The Balkan wars, the conflicts from Transdnistria have determined an unstable environment at the regional level, very attractive and profitable for the criminal activities. These conflict regions have become, consecutively, targets for different kinds of illegal traffic (drugs, weapons, human beings). The criminal attacks of the United States of America on September 11, 2002 determined the intensification of the investigations in this region, unveiling clear proofs of the links existent between the criminal networks and the terrorist organizations.

Due to the geographic position and the economic and social conditions, these three countries are traversed by the itineraries used in the illegal transportation, being either transit countries, or the source. The geo-strategic position of the three countries, the permanent financial constraints necessary for an efficient organization of some modern authorities for the supervision of the enforcement, are continuous provocations addressed to the political leaders from the Southeastern Europe. It is a well-known fact that one cannot talk about a fight against organized crime without the existence of a political support at the highest level, the programs for combating and eradication of corruption and organized crime being present priorities of the national programs.

It is a generally recognized fact that it is impossible to discuss about an efficient fight against organized crime without a coordination of the efforts of national and international authorities. The approaches in this sense imply the establishment of common agreement at the political level, of a global strategy of combat against diverse manifestations of organized crime. In the elaboration of a specific action plan, one must take into account the velocity of the organization of criminal networks, as well as the flexibility of orientation of their object of activity, the good contacts they have outside the boundaries of the country where they reside and of course the financial resources and the modern means of communication they possess.

The legal framework of cooperation for the combat against cross-border criminality between Romania and the Republic of Moldova has its fundament in the Agreement between the Government of Romania, the Government of the Republic of Moldova and the Cabinet of Ministers of Ukraine regarding the cooperation in the field of combat against criminality, signed in Kiev on July 6, 1999, ratified by Romania in 2001. This Agreement, based on the provisions of the provisions of the Memorandum of the presidents of Romania, Republic of Moldova and Ukraine regarding the collaboration in the fight against criminality from October 22, 1998, states that these three countries will collaborate and will provide mutual support in the prevention and uncovering of infractions, in identification of the persons who committed them, fighting together against cross-border criminal phenomena such as organized crime and corruption, terrorism, illegal traffic of weapons, munitions, explosive and toxic substances, radioactive materials, drug trafficking, smuggling, traffic in humans, prostitution and exploitation of children for sexual purposes, illegal migration.

For the implementation of the provisions of this Agreement, those three states have established the forms of collaboration, which will be accomplished through exchanges of information and exchanges of experience. In addition, the Agreement provides the accomplishment of consultations, meetings, seminars and training courses, exchange of national legal acts, statistical data, results of scientific researches, brochures and publications, planning and accomplishment of coordinated actions in the fight against criminality, which would involve the competent structures of each state: in Romania – the Ministry of Interior, Public Ministry, Romanian Information Service, Service of External Information, Ministry of Finances and General Customs Department; in the Republic of Moldova – the General Prosecutor's Office, Ministry of Internal Affairs, Ministry of National Security, Department of Customs Control and in Ukraine – the Ministry of Interior, General Prosecutor's Office, Security Service, State Committee for the Problems of Protection of State Borders of Ukraine, State Fiscal Administration of Ukraine and the State Customs Service of Ukraine.

The references from this chapter are designed to emphasize once more the fact that to the global problems one responds with regional collaboration. The phenomena that extend beyond the geographic boundaries of a state due to their magnitude are to be solved by all affected neighbor countries. This thing relates to considerations like confidence, acknowledgement of the importance of a constant exchange of information, conviction that it is in the advantage of all countries to solve the problems in an efficient way and not “understood” as a victory of one or another state. Unfortunately, due to the lack of confidence and due to a pragmatic strategy of collaboration between the competent authorities from Romania, Republic of Moldova and Ukraine in the field, the issues we refer to remain unsolved.

Although the collaboration framework at the regional level is defined and approved by the leaderships of the partner countries, the consistency of practical enforcement of these regional agreements and the effective results of collaboration in this view sooner remain at the declarative level. The obstacle in this sense are often related to the lack of communication between the corresponding authorities from each partner state, implicitly due to a lack of a constant, efficient and operative information channel.

Thus, for a sustainable implementation, the provisions of the regional accords and agreements should be followed by the establishment of protocols and agreements between the corresponding state authorities in the viewed fields, so that the goal of regional agreements is achieved at the directly envisaged local level, for example, by the authorities with prerogatives at the border. The decentralization of the decision and responsibility towards the authorities from the local level is an important means through which these regional agreements can contribute to a larger extent to the combat against cross-border criminal phenomena, of course, in compliance with the national legislation and strategies related to the fight against organized crime, established by each partner state.

Chapter III

1. Collaboration within Upper Prut and Lower Danube Euro-regions

The intensification of globalization of world economy constitutes a fundamental feature of the beginning of the millennium characterized by the accentuation of the tendency of reducing and elimination of the barriers between the national economies, as well as amplification of the connections between these, under diverse forms. One of these forms is represented by the collaboration within different euro-regions.

The “Upper Prut” (established on September 22, 2000) and “Lower Danube” (August 14, 1998) euro-regions were created for the consolidation of cooperation between Romania, the Republic of Moldova and Ukraine. Not only the concept is not new, but also is not applied exclusively to the region of these three countries, the same way of collaboration being used between Romania and its neighbors from the West or South.

The cooperation within “Upper Prut” euro-region, which includes the counties Bălți and Edineț from the Republic of Moldova, Botosani and Suceava from Romania and Cernăuți region from Ukraine, is presently focused on the accomplishment of some specific programs and projects for the facilitation of the procedures of state border crossing and customs control for the citizens and economic agents activating on the territory of the euro-region.

In addition, within the euro-region are elaborated themes related to the opening of some new border crossing checkpoints and modernization of the existent ones, the extension of the historical, cultural and scientific links, organization of exchanges of experience and development of mechanisms of adjustment of the legal-normative basis of those three countries with the European requirements in the field of regional policy, local self-administration and inter-regional collaboration.

The “Lower Danube” euro-region, whose activities involve the counties Galați, Brăila and Tulcea from România, Cahul from the Republic of Moldova and Odessa region from Ukraine, is also directed towards the accomplishment of some joint projects among the three partner countries. In this sense, during the last year was organized the international folk festival for children, sessions for scientific communiqués in the field of archaeology, school contests, exhibitions, summer camps, common meetings with experts, cooperation projects in the field of environment, etc.

The activity of euro-regions until now has been focused on the creation of a common framework for the accomplishment of a calendar of trilateral meetings, for information and documentation on issues of common interest, including at the highest level, consultations and coordination in the field of environmental protection, facilitation of small traffic between the adjacent zones, including through the establishment of new international border crossing checkpoints, initiation of communications with the international economic-financial institutions regarding the provision of financing for projects of common interest, agreed upon in the tripartite framework, collaboration and elaboration of a plan of measures for the combat against organized crime, terrorism, illegal traffic of weapons and prohibited substances, illegal migration and illegal crossings of the borders.

Thought as a space for some common projects and initiatives which would respond to some regional desiderata and to which more than one country can contribute, the euro-regions have the role of stimulation of the cooperation between the different social levels from one country or another. Reflection of the phase of national cooperation among the countries, within euro-regions a large range of projects are approached, thought to capitalize the strengths of each participant state, as well as familiarize the participants with the values, advantages and responsibility in case of some common projects. Probably due to considerations related to the heterogeneity of the topic of these projects, one should notice that their present phase is insufficiently known to the public opinion. More important seems the fact that, in the accomplishment of the study, we noticed a summary knowledge of the theme and phase of present projects among the central authorities competent to contribute to their stimulation. Given the fact that this study was not designed to deepen this subject, these observations have the duty sooner to draw attention to the promotion – where needed – of the projects, to their appropriate recognition but also to the necessity of quick treatment of the possible problems in the cooperation between countries, so that the euro-regions become truly functional.

Although we wish that the region be characterized by a spirit of collaboration and exchange of ideas regarding the common progress, the region is unfortunately confronting with many of the most serious problems. Phenomena as weapon and drug trafficking, traffic of stolen cars and the human traffic, are very often found in the region that includes Romania, the Republic of Moldova and Ukraine.

2. The regional conflicts have created a very attractive and profitable environment for diverse criminal activities.

- *The weapon and drug trafficking developed considerably in the last ten years*

The wars and conflicts held on the territory of the former Yugoslavia and the former soviet republics have generated an immense demand for weapons. The drug trafficking has developed in tight correlation with the traffic of weapons. The procurement of weapons has been often accomplished either with funds obtained from the sale of drugs or through the direct exchange between the weapon and drug traffickers. The embargo on the trade in arms imposed on the states from the conflict zone proved its inefficiency one more time. The result was the increase of prices of weapons and the huge profits from their sale, ascertained in the southeastern Europe, as well as outside the region. The reports of Romanian Border Police point out the fact related to the illegal traffic of weapons and munitions, in 2001, 41 arms and 17.612 cartridges were discovered compared to 38 arms and 48.937 cartridges in the same period of the last year, the citizens involved in this illegal activity originating from the Russian Federation, the Republic of Moldova, Germany, Sweden, Ukraine, Italy, France and Romania.

Regarding the illegal drug trafficking, in 2001 was discovered a quantity of 8.656,486 kg of narcotic substances, as well as 95.000 anabolic pills and 400 phials of morphine, compared to 21,340 kg in the whole previous year, the citizens involved in this illegal activity originating mainly from Greece, the Republic of Moldova, Turkey, Italy, Ukraine, Czech Republic and Romania.

The traffic in stolen cars also experienced a significant increase in comparison to the year 2000, when only 11 vehicles were arrested suspected to be stolen compared to 94 registered in 2001, the citizens involved originating from the Republic of Moldova, Ukraine, Turkey, Italy, Slovakia and Germany.

- *The illegal traffic in human beings and illegal migration gained magnitude*

In 2001, regarding the traffic in humans 463 persons were traced out, including 116 procurer, 269 trafficked women and 78 guides. The women that were to be taken out of Romania and transported illegally to other countries for prostitution were from the Republic of Moldova (51.6%), Romania (36 %) and Ukraine (12.2%).

Ukraine, Republic of Moldova and Romania are source countries as well as transit countries for groups of women trafficked for the purposes of sexual exploitation to the space of the former Yugoslavia, Albania, Greece, Cyprus, Italy, Netherlands and other EU member states. In Romania, the counties peripheral to the borders with Moldova and Ukraine, which also are among the poorest in the country, are the main “source counties” for prostitution abroad.

Two situations can be identified:

1. The women leave the country, being fully aware of the “services” they are to render at the destination. They negotiate in advance the conditions, including the financial ones with the procurers;
2. Women/underage girls sign apparently legal contracts, having as objects occupations such as: baby-sitter, nurses, assistants for old people, dancers, waitresses etc.;

The cases from the police records allow the identification of the following situations after the arrival to the destination:

1. They work in a country of the European Union where the prostitution is legalized, even having the right to work;
2. They are stopped in a conflict zone (Kosovo, Bosnia-Herzegovina, FYROM) or in EU countries, Turkey or Cyprus, the passports are confiscated by the criminals and they are compelled to practice prostitution in conditions of sexual slavery.

From legal perspective, the women from the first category are prostitutes and the ones from the second category are victims, independent from their situation in the country of final destination.

From the humanitarian perspective, both categories are considered victims.

The Romanian authorities have made many efforts lately for the creation of the legal framework and for undertaking prevention measures in order to reduce this phenomenon. An important role in the change of work methods and collection of information has been and is paid by the nongovernmental organizations, the most remarkable being the International Migration Organization.

However, there are many phases to cover and common actions to accomplish at the national and regional level for their implementation in a coordinated manner before we can talk about “a situation under control”. In this sense, it is necessary to have an international cooperation at the decisional, as well as the operational level.

With regard to the phenomenon of illegal migration, compared to the one of natural migration, one can say that it has become a parameter of instability, which affects the developed countries, being a serious threat to the regional security. Due to their geographic position, the Republic of Moldova, Romania and Ukraine are affected by this phenomenon, ascertaining an important increase of the number of illegal immigrants from Central and Southeastern Asia, Middle East and Africa.

In 2001, 62 133 foreign citizens were denied entrance to Romania because of different legal reasons: were hidden in the means of transportation, had fake passports, did not have any means to support them during the stay, had customs problems, etc. Compared to the year 2000, the increase constitutes over 57%. Out of the total number of foreign citizens, which did not comply with the legal conditions for the entry of Romanian territory, the largest shares were represented by the citizens of the Republic of Moldova (45.7%), Ukraine (9.8%), Bulgaria (4%), Turkey (2.9%) and Russian Federation (0.4%). In the first months of 2002, out of 9 179 foreign citizens with denied entrance to Romania because of different legal reasons, the largest share had the citizens of the Republic of Moldova – 55.2%, Hungary – 21%, Ukraine – 8.65% and Bulgaria – 6.98%. At the same time, in 2001, 28 073 citizens were denied exit from Romania (23 293 Romanian citizens and 4 780 foreigners) due to diverse legal reasons: were hidden in transportation means, had fake visas/passports or irregularities with the journey, were suspected of having committed illegal acts in the Schengen space). Compared to the year 2000, this represents a 114.3% increase. Out of the total of foreign citizens failing to meet the legal requirements for the exit from Romania, the most represented nations are from the Republic of Moldova (29.3%), Bulgaria (13.6%), Turkey (9.3%), Ukraine (6.7%) and Russian Federation (1.8%). In the last months of the year 2002, a number of 499 foreign citizens were denied exit from the country, including 26.2% from the Republic of Moldova, 15% from Turkey, 11.2% from Bulgaria and 6.6% from Ukraine. Last year, 31 922 persons (28 415 Romanians and 3 577 foreign citizens) were traced out which have illegally crossed/attempted to cross the state border in other places than the ones designed for specific control or violated the legal status of state border, as well as 217 guides. In comparison with the same period of the last year, there is an approximate increase by 2.5 times. Out of traced out foreign citizens, the largest shares, according to the nations, go to: Afghanistan, Iraq, Somalia, Sudan, Republic of Moldova and Sierra Leone, the guides being mostly citizens from the Republic of Moldova, Bulgarians, Romanians and persons of Arabs.

Once more, we notice the fact that the region that includes Romania, Republic of Moldova and Ukraine is facing with a series of alarming problems, one of them becoming a threat for the stability of the region. There is no doubt that their approach is not the duty of only one country and cannot be accomplished as long as the problems such as the traffic in persons, cars, weapons and drugs – if we consider the most frequent ones – effectively go beyond the boundaries of a state. From this very reason and for the fact that there are premises for the escalation of one of the mentioned threats, it is important to resort to the collaboration between the institutions and organizations of one state, as well as between the neighbor countries.

It is natural that in such problems, the authorities of each state undertake precaution measures regarding the flux of data and strategies of resolution to best respond to the possibilities, but also to the type of the confronted problems. The preoccupation of the authorities for a profound verification of the information before making it fully or partially available to the interested public opinion is natural too. Going further, we understand that in such a situation, each state is guided according to its own method of work, research and control, of course observing the principle of mutual sharing of the obtained information for the solution of problems of common interest. However, it is worth pointing out the lack of experience in collaboration with nongovernmental organizations in the sense of a sufficient culture of publication of data similar to ones from the present chapter. It is a process accomplished in time and in which the civil society, as well as the institutions will certainly learn how to use the principles of collaboration, of partnership.

Chapter IV

1. Customs cooperation between Romania and the Republic of Moldova

This collaboration framework has two dimensions:

- Bilateral relationship, regulated through the Agreement between the Government of Romania and the Government of the Republic of Moldova regarding the customs cooperation and mutual administrative assistance for the prevention investigation and combat of customs offenses, signed in Bucharest on April 24, 2000;
- A wider, regional relationship, regarding the cooperation in the field of cross-border criminality, which, of course, also includes phenomena manifested at the Customs, regulated through the agreement of cooperation in the prevention and combat of cross-border criminality, signed in Bucharest on May 26, 1999. Romania in the Republic of Moldova have their representatives, including the representatives of customs authorities, within the Regional Center for the Combat against Cross-border Criminality from Bucharest.

One can identify three distinct fields where it is possible to accomplish cooperation activities between the customs authorities of Romania and the Republic of Moldova:

- Activity of cooperation and administrative assistance in the customs investigation;
- Activity of mutual support in the prevention and detection of possible cases (which can develop in cases of customs investigation) through regular sharing of the customs information, in a certain structure, defined by a common agreement, containing information of interest for the other party (either focused on customs operations between Moldova and Romania - for example excised goods, we're focused on certain conditions etc.).

Separated from the issues of assistance on request or spontaneous, generally starting from the suspicions related to the violations of effective customs legislation, there are provisions that shapes a framework for the future cooperation in the sense of facilitation of customs procedures. Article 15 of the agreement between the Government of Romania and the Government of the Republic of Moldova regarding customs cooperation and mutual administrative assistance for the prevention, investigation and combat of crimes in the customs field, contains provisions projected towards the future and provides the competent

institutions dealing with the implementation a basis viable from the legal perspective for the initiation of other activities in sense of a better collaboration, particularly in custom issues.

Briefly speaking, there are provisions, which establish:

- 1.The obligation of customs authorities to have a consultation among themselves regarding the facilitation of customs control of the goods, passengers and transportation means;
- 2.The possibilities to establish measures for the simplification of customs formalities at the border for their operative and efficient accomplishment;
- 3.The possibility that the parties organize activities of common control at the border checkpoints, with participation of all the authorities and institutions activating at the border.

It is worth mentioning that, although the bilateral (and multilateral) legal framework of cooperation allows and encourages the accomplishment of a common platform of action, the practical implementation is not accomplished at the agreed level. At this moment, there are obstacles related to the differences between the legal framework from those two countries at the level of competencies, jurisdiction, territoriality, and organizational compatibility in the sense of identification of correspondence of the decisional levels and functional units.

We believe it is necessary to consider the present moment, as well as the predictions and the national plans or national strategies that support the short and medium term development of the custom authority system from these two countries. Considering the common declared strategic objective of these two countries - namely the integration with the structure of the European Union – one can identify other fields of partnership and common action, in consensus with the European requirements or ways of practical expression of customs cooperation, such as:

- The project of common faction for the adjustment of customs information systems used by these two countries (with a very possible composition for mutual support in the common development of these in the sense of adjustment with the information systems existent in the European Union and mutual transfer of expertise in more advanced fields from this perspective);
- A “Handbook regarding the organization and accomplishment of common actions of border control”, in accordance with the European provisions in the relevant field. The manual can envisage fields of particular interest (for example drug trafficking), which require an intensification of controls at the common border and can provide a frame for the organization of common border control actions, accordingly: instructions, reciprocal notifications, planning, their management and estimation of the results.
- A common action program that would involve a set of actions applicable to the entire common border in order to assure, in all the border crossing checkpoints, an equivalent efficiency of customs controls and procedures. The conception of this type of common program can be based on the way of accomplishment of a similar program at the European level, Program of Action Customs 2002, with a length of 5 years, between 1997 and 2002.

And the examples could continue.

These types of conventions, programs of actions or agreements regarding to certain sets of common measures would give substance to the customs cooperation between Romania and the Republic of Moldova, regardless of the situation of these countries with regard to the European Union. They will maintain their operational character and will emphasize the privileged partnership between the two customs authorities also after the total adherence to the European Union of one of the two states – in case that the time of adherence will be different.

It is essential to have the desire to accomplish a compatible and/or common system that would assure the necessary elements for a customs activity oriented to:

- Requirements of the business environment (a new model of customs activity), and to
- Development and facilitation of bilateral relationships in different interested connected fields, others than the economic one: environmental, cultural, social.

Thus, it is necessary to accomplish a common study of some new concepts and procedures regarding the customs activity and establishment of a common framework action for implementation.

Any process of institutional reform, particularly the one that involves procedures of common action, similar or harmonized, should consider the policies at the highest level and the orientations established within the institution and the involvement of operational personnel with responsibilities in the regional and local management. These levels should be involved starting with the planning and accomplishment phase of the proposals for ways of work, a thing that would guarantee a high degree of applicability of initiatives. At this moment, the research accomplished for the present study generated a void of communication and consultation between the political-decisional level and the one of implementation, in Romania as well as, as thought by the interlocutors, in the Republic of Moldova.

From the same reason, one should encourage the initiatives the executions levels could have, within the limits of the prerogatives conferred by the approved larger framework of cooperation. At this moment, this hesitates to undertake the responsibility of some local projects, further depending on the decisions of the national political leaders.

In conclusion, the efforts of development of a relationship between the customs authorities at the border that would comply with the modern principles of this activity and that would assure the consolidation of the Moldovan-Romanian border. The facilitation of crossing of the border and the strengthening of its control should be channeled in the following directions:

- Harmonization of work procedures, or the work in common;
- Improvement of cooperation at the border between all the national authorities and representatives of the same authority from these two counties;
- Improvement of the exchange of information between the relevant services of the two countries within a well-defined and systematic framework.

Further, we will look at some of the most important aspects, which, in the particular case of the conditions from Romania and the Republic of Moldova, are important to analyze, in the general approach of analysis of the possibilities and the practical ways of accomplishment of the desiderata of border security consolidation between these two countries, facilitating the crossing of the border and strengthening its control.

2. Possibilities of implementation of a new method of work in common

An important feature that should be taken into account by the decision factors that can define the general framework of cooperation at the border is the development of inter-agency cooperation and its formalization. One should not talk about the sectorial cooperation between the customs authorities, but create and implement a wider concept of cooperation of all the state authorities present at the border, so that the central objective becomes the integration, as much as possible, of the relevant operations and procedures:

- Processing of information about passengers;
- Processing of information about motor-vehicles;
- Processing of information about goods.

The inter-agency cooperation of a state, ideally, is reflected in the common use of data (particularly data from information systems), a permanent exchange of information and relevant facts originated from the own present activity (but useful to the other authority), in the knowledge of the needs and competencies of the other authorities and even in the delegation of responsibilities between the authorities present at the border. An example would be the use of selection criteria for the customs control of goods, passengers or means of transportation that transit the border and that must consider the risk profiles established by the other authorities at the border (on specific problems: clandestine migration, for instance) and, further, the results of the controls targeted by the customs authorities accomplished at the border checkpoint should be available to all the interested parties, others than the customs authority.

One should also start from these elements when bringing together the authorities placed on either sides of the border into an explicit way of common action. Another important element in this construction, including in the projection of new procedures for work, is the common use of available specific technical equipment.

Such an approach could introduce a global vision on the specific border control, based on the complementarity of the technical equipments and/or complementarity of their use. The complementarity of the equipment refers to the establishment of possibility of common use of the equipment. The work hypothesis implies the mutual access to the results of the control, regardless of the physical location of the equipments. The complementarity of use refers to a more efficient distribution of the identical or similar equipment. Thus, the distribution of equipments along the common border in the most judicious manner, avoiding the duplication of the same type of control on one side and on the other side of the border could be an efficient response of the authorities to the increased exigency of the routine or exceptional control activity. Certainly, such an approach implies an increased degree of mutual confidence of the parties up to the level of recognition of the control results, even in the conditions when the representatives of own national administration were not present during the effective control.

The discussions regarding the unitary and integrated management of the technical border control facilities should be approached taking into account the following aspects:

- The specific technical equipment is present at the customs authority and the border police authority;

- Accomplishment of an inventory of technical availability, considering the investments of our countries and the European programs or other sources (for example the Stability Pact);
- Definition of an appropriate framework for the involved human resources.

In the identification of the best methods of work in common, one must consider the fact that, traditionally, the routine control, in the understanding and conditions of Romania, as well as of the Republic of Moldova, contains the embryo of traditionalistic “passive corruption”, which implies nothing more than the accomplishment and operation of the normal work tasks.

Thus, there are situations where we notice an attitude of initial “resistance” to a new method of activity on behalf of different categories of operative personnel. However, a common responsibility emerged from the introduction of this type of new local procedures, encourages to some extent local correlative actions for the diminution of appetite for this type of “corruption”. This remark is increasingly important considering that the Government Programs from both countries contain, as national priorities, the reduction of the degree of corruption in the administration activity and, particularly, in the customs field.

Moreover, the “National Program for Prevention of Corruption” approved through the Decision of the Government of Romania no.1065/2001 contains, in a chapter dedicated to the reform of the management of the public sector, the following objective and the measures planned for the prevention of corruption:

- Development and implementation of a coherent program of ethical education of the personnel of customs authority, as well as the intensification of the activity of own structure of control and rigorous enforcement of the measures of corruption prevention in the customs field;
- Development of the flux of reports, information and popularization of the performances, as well as the cases on inadequate behavior of customs staff;
- Standardization of the procedures of clearing customs and collection of customs taxes, as well as the use of computerized systems of control at the crossing checkpoints of the state border.
- Establishment of a common office for the collection of taxes at the checkpoints of the state border.

We brought into discussion this paragraph of the Governmental Decision to show the convergence of the concepts and the real possibility for the enforcement of the principle that lies at their basis to a solution that is not viable only for a border checkpoint or an administration, but also for a totality of authorities that act together, in a minimum set of objectives, responsibilities and, finally, efficiency criteria.

At this moment, the customs administration from Romania enforces an own policy regarding the behavior of the customs employees, materialized in the Code of Behavior of the Customs Personnel that became effective at the beginning of 2002. The new Code of Behavior of the customs officials states that, in the accomplishment of the work attributions, the customs personnel is obliged to comply with and enforce the principles of legality, moral integrity, credibility and responsibility, must have a civilized behavior, be loyal to justice, be, in all circumstances, objective and impartial and particularly not be influenced by the personal interests and political pressures in the accomplishment of work attributions. Of course, there was a need to elaborate such a code, aligned to the international requirements, however the basic issue is the salary under the country average of the customs officers, fact that rises

obvious obstacles in the way of eradication of corruption from this sector, which is far from being the only fact involving suspicions related to corruption.

The material presented in this chapter proves that in Romania the customs authorities know the principles and the parameters of an efficient collaboration with similar authorities at the border. There is a vision, and the elements of the strategy, which can lead to its enforcement, are known, one could remark ideas and suggestions about the specific things that are to be done. Very likely that the opinions of the relevant central authorities are differently spread in the territory, depending on a set of considerations, however, in general terms, from information provided for the accomplishment of the present material, one could notice that the customs authority considers a plan of measures that they could enforce depending on certain conditions. Most of the observations in this regard disclosed the obstacles related to the lack of confidence between the competent authorities from the relevant states or the lack of cohesion and communication between the political leaders and the persons responsible for the enforcement of the measures. From this very last reason, regarding the issues relevant to the effective obstacles in the way of a lengthier collaboration between the Romanian and Moldovan counterparts, most of the information remained within the sphere of necessity of a better correlation between the political leaders of the two countries as well as between each of these and the responsible persons at the border checkpoints. From the multitude of actors that compete for the establishment of a coordination relationship between Romania and the Republic of Moldova (especially in the context of the above discussed issue of euro-regions), the customs authorities and accordingly the border police, represent the central pillars whose collaboration is crucial in this context. Beyond these desiderata, legal provisions and good intentions, it is unquestionable that those that are constantly exposed to and have to solve the problems emerged at the borders, are the customs and the border police officers, on whose information and encouragement, in the spirit of dialogue, will depend a more efficient activity at the border.

3. Necessity of mentality change

We have to return to the operational level and say that, presently, this is rarely adjusted to the priorities expressed through new policies established by the superior levels. In order to achieve the standards of efficiency in the consolidation of security of the common border, we must take into account the elements of motivation of own personnel and systematic cooperation with the counterparts. The internal decisions from Romania and the Republic of Moldova, which establish the way of action in the enforcement of new guidelines traced by the superior forums, should also imply, through consultation, the execution levels (either from the border, or from other hierarchical levels, but involved in the operation – for example the structures with attributions in the prevention, discovering and sanctioning of smuggling), which does not happen sufficiently at the present moment, particularly in the Republic of Moldova, as resulted from the discussions the coordinators held with the representatives from the key institutions of Romania.

4. Local consulting framework

For the introduction of any procedures of common work or complementarity, one must define a framework for the consultation of the local decision and execution factors. When defining this framework, one must take into account the large participation (especially in the issue of border checkpoint) of the representatives of different national authorities and agencies:

customs, border police, sanitary-veterinarian inspection, phyto-sanitarian inspection, road administration, etc. Even if these competences and responsibilities of the authorities with attributions to the border are not totally harmonized, there appear certain conditions for the establishment of correspondences and collaborations among these institutions, including at a medium decisional level, which, in a daily activity, prove to be the most productive and the most necessary ones.

The meeting of the responsible people from the border should have a permanent (continuous) character being in accordance with a mutually agreed calendar. This framework would be particularly used for the mutual information in the fields of interest for the current activity (with direct implications on the operational capacity) and in the establishment or consolidation of the existent procedures.

This framework could shape certain particular objectives of activity, could create in detail the local procedures of action and practice regarding the processing of different categories of traffic, ways of action or reaction to the special events (for example threats of the personnel), organization of local customs control, prediction of certain short, medium and long-term potential problems and possible solutions (worked on in common), changes of the local operational environment and adequate ways of response (for example, visible modifications in the traffic structure).

These periodical meetings should permanently consider the establishment of some recommendations regarding the organization and working procedures in the sense of increasing the efficiency and efficacy of the common response to the priority tasks. The agreement of the local leaders of different agencies and the authorities from both countries should be sufficient for the passing to the adoption and implementation of the recommendations, in case when the framework of cooperation between the Republic of Moldova and Romania at the border does not explicitly provide a different method of approval

In Romania, the central decision level can only revise and supervise the measures adopted locally, in the sense of determination of compliance with the legal provisions.

The central national authorities must be de-congested from attributions that could and must be solved at the local level based on a clear delimitation of the competences between the layers, having a predominant role in the provision of the legal framework and responsibility for the supervision of law enforcement in the territory. This problem is increasingly stringent if we consider the particularities of the way of functioning of the state administration from the southeastern European countries (Romania and the Republic of Moldova being no exception) in the sense when there exist political interferences in the administrative activity, explicit as well as implicit, a fact that favors a certain attitude of dependence of the local structures on the central ones.

Where necessary, the central leadership can involve itself in the support of local initiatives (for example through the re-allocation of material assets). However, for a coherent implementation on both sides of the border of the concepts like “unique border office”, one needs a coordination at the highest level and this cannot be a subject for discussions of coordination at the local level, a thing that provides one more chance to encourage cooperation, based on the observance of the principle of separation of attributions between the

central and local responsible factors – based on the institutionalization primarily of a constant communication system between policy and execution.

5. Practices of border control. Possibilities for common work

In the following section, we will approach the issue and the importance of the common border control through the exemplification of the situation in the territory with reference to the trucks of goods for which the customs transit regime begins in the Republic of Moldova and finishes in Romania. In this matter, the authorities can decide an approach advantageous for both sides, regarding the applied method of control and expected results, so that a fluidity of the traffic is assured, in parallel with the rigorousness and extension of the customs control in sense of prevention, discovering and sanctioning of the violations of customs legislation.

The primary data that need to found such an analysis are the ones offered by the local particularities present at the border crossing point. For example, regarding the transit of trucks with goods, these are inspected by the customs personnel within a procedure of routine control procedure that includes: verification of integrity of seals, verification of the conditions of integrity of freight compartment. This procedural approach is compulsory through the effective customs regulations and is common for both countries. The purpose of some discussions about the common work at the border can be the improvement and efficiency of these physical inspections with the purpose of selecting from the traffic certain subjects for a more thorough physical control than the routine control.

These thorough controls, large consumers of resources, are presently accomplished at the border based on four large categories of substantiation judgments:

1. Threats to national security;
2. Fight against smuggling;
3. Practical implementation or experimentation of the provision of the European Union regarding the control at the external border (which represents a part of the effort of adherence);
4. Difficulties of different natures in the neighbor country or in the relatively close vicinity.

Through the development of a common platform for action, through the common definition of the ways of reaction to different priorities, within the limits of inherent constraints regarding the availability of resources, the operational objectives and effectiveness of the customs activity of border control can be included within the acceptable values of performance of both sides.

The discussion can be extended and should be extended until the common definition of some acceptable indices or parameters of performance: quantitative (how much is controlled at the border), qualitative (the ratio between the results and the control effort) and the mutually accepted notions and values regarding the selection for these controls.

One should permanently consider that, through legal competences of other border authorities such as border police, the customs authority should accomplish thorough physical inspections in conjunction with these and at their request. Regarding the expression of the degree of efficiency of the border checks, one must take into account that the standard acceptable in the

European Union and which can serve as a basis for the optimization of the common process of selection and control is of 10-15%, accordingly half of the accomplished checks lead to the

discovery of a irregularity or violation of legislation. It is impossible to imagine that one can accomplish a thorough control at the border for all the traffic, and connected to this, one must accept the fact that there will always exist doubts regarding the uncontrolled traffic (with the consideration that each country can continue its own control policy applicable for the import accomplished in an internal location).

Certainly, there are preoccupations in both countries regarding the quality of control and results, particularly at the border. We can enumerate four risk factors to accomplish a full and compliant understanding of the concept of customs check and its magnitude at the border:

- 1.legal provisions or “traditional way of working” which implies actions against customs employees when a case of smuggling is discovered after the transit through the border checkpoint, continuing until their charge for complicity;

- 2.even if the above comment is not applicable, the sole possibility that the police or another national agency discover later a irregularity or contraband goods leads to the encouragement of customs employees to protect themselves through a thorough check of all the elements of border traffic;

- 3.the notions of selectivity and/or analysis of risk can have a different meaning or are recently implemented in the operational practice;

- 4.the understanding of physical check (inspection) can be different.

A common approach will have to result in fewer checks but better prepared and more thoroughly accomplished (also implying the special facilities of physical inspection such as: mechanic kits, equipment for non-destructive inspections, spaces – areas designed for physical inspection, separated from the flux of traffic, commonly managed, commonly used or shared).

This new approach should be based on two components of activity (and represents the result of these): selectivity performed by the national authorities before the arrival to the border crossing point and careful examination of the information contained in the documents (elements of declaration to the customs authority).

One the background of knowledge of work conditions, the discussion about the possibility of a common control by the authorities from these two countries remained up to now at the theoretical level, without noticing important steps in this direction. However, it is to mention that the Romanian legislation, enforced last year, regarding the state border provides the possibility to organize common border checkpoints on the territory of either sides based on bilateral documents concluded by Romania and the rules of work of the personnel of each side and the way of cooperation in the common border crossing points be established through the constitution document.

Chapter V

Main conclusions and recommendations

The present study approaches an actual and a very complex issue. During its development, the coordinators took interviews and collected information regarding the state of some projects, the successes as well as experienced difficulties, claiming reports from the institutions with attributions to the given field and analyzing the history of the legal framework with reference to the border between Romania and the Republic of Moldova. Depending on a set of factors, some aspects could be presented in detail other were sooner outlined, the role of the present study being – at the end of the research period – the familiarization of the reader with the issue of consolidation of security of the border in general and the particularities of the border between Romania and the Republic of Moldova in particular. On this background we would like to specify that the discussed theme was not exhausted by the present work, some aspects, such as for instance, the issue of citizens with double citizenship, continuing to be the object of a subsequent separate research. An important observation relates to the practice of collaboration with the civil society and the principles of this partnership that the institutions dealing with such particular problems as the issue of border, will acquire with the time. We realized this thing when editing the present material, which determines us to encourage in the future the projects in this direction so that through the practice of common work, in the future we have a natural communication between the civil society and the state institutions.

In this regard, we reached the following conclusions:

1. The privileged relationships with the Republic of Moldova have determined Romania to treat presently the problem of documents the Moldovan citizens need to present at the border with our country. Thus, Romania took the decision not to impose – up to the moment of adherence to the EU – other documents on the Moldovan citizens for transit of the border, except the passport. However, this decision should not be interpreted by the beneficiaries in the sense of a total permissibility at the border or in the sense of renouncing to the exigencies specific to the border check procedures. For the authorities from Romania, in the approach regarding the fulfillment of the criteria for the integration with the Euro-Atlantic structures, this decision implies the undertake of some special responsibilities that the authorities of the central and local administration should take into account.

2. Although bilateral documents have been signed between these two states, which regulate and encourage the cooperation between them, there is a discrepancy between the legal framework and the situation from reality, in the sense that important provisions exist today only at a declarative level. Without making any allusion to the phase of the political and diplomatic relationships between these two countries (in fact the present study is constituted in a working instrument for the relevant authorities from the involved countries, regardless of their political affiliation at a given moment), one could notice an insufficiency of communication between the corresponding authorities from each partner country for a sustainable implementation of the provisions of the regional accords and agreements at the level of editing and amendment of the frame-documents, as well as at the level of the methodological norms for the enforcement. In this situation, one of the recommendations of the present study refers to the institutionalization of some procedures for the assessment of the public policies in the field, of the effects in practice, on site, of the measures taken by the relevant institutions through the observation of the performance of each institution as well as the general framework of law enforcement.

3. Just like in other fields, the concentration of all the decisions in the “hands” of the central authorities not only complicates, but can also block the resolution of some problems. While the national authorities outline the framework and define strategies of enforcement, there are local problems which could be solved very efficiently by the competent local authorities, de-congestioning, in this way, the central administration and ultimately responding in a more operative manner to the problems from the territory. A clearer definition of the competencies, particularly of the representatives of the institutions at the border checkpoints, as well as a strategy for their encouragement to undertake the natural responsibility when confronting problems that are possible to solve even at the border, would generate nothing but benefits for the involved countries in the sense of improvement of the legal freight and passenger traffic.

4. The decongestion of the central administration becomes more important as the delays in the ratifications of some accords are experienced, a fact that generates a legal disequilibrium which creates an additional difficulty on the site, as well as in the political relationships. An edifying example to point out the difficulty of solution of some situations in the territory is related to the ratification in this period by the parliament from Bucharest of the Agreement of readmission of the aliens, problems that were included in its incidence being difficult to solve even until present. Considering the fact that the Agreement of readmission is in the process of ratification at this moment, we believe it is important to mention that its ratification by Romania, in the shortest optimal time, would constitute a substantial support for the clarification of the relations between the competent authorities from the border.

5. The region that includes Romania, the Republic of Moldova and Ukraine is confronting with a series of worrying problems, some of them having the potential to become a threat to the stability of the region. There is no doubt that their approach is not the duty of a single country and cannot be as long as the problems of traffic in humans, vehicles, arms, drugs – if we consider the most frequent – effectively extend beyond the boundaries of a country. We understand that in such issues, each state is guided according to its own method of work, research and control, however, due to the complexity of the problems from this region common work procedures should be developed. From this perspective, each country should contribute to the institution of common procedures of performance estimation (for each country separately and the common ones) outlining the emerged obstacles so that the assessed problems are solved in the shortest time by the administrative level of each country.

6. The issue of consolidation of security at the border between Romania and the Republic of Moldova is not limited to the demarcation line between these two countries. As long as there are no adopted measures of consolidation of security of all the borders of the country, the threats as the illegal cross-border migration, the arms and drug trafficking, organized crime, will continue to persist if not amplify. Important and urgent in this sense is the solution of the problem of eastern border of the Republic of Moldova at the line separating it from Ukraine.

7. The objective of cross border cooperation cannot be achieved if, in their turn, the national authorities with border attributions do not cooperate, do not constantly exchange information regarding the mentioned problems and do not share the same vision regarding the strategy of securing the border in the spirit of consolidation of regional security. From this perspective, in our opinion, the cooperation starts with the punctual, pragmatic aspects. It is necessary that all the institutions of a state contribute with information and use in common a database with relevant data (particularly data contained in the informational systems), which

would be constantly updated. From another perspective, the cooperation between the institutions should consider the use of control criteria shared by all the institutions which would be applied to the goods, persons and transportation means that pass the border, taking into account the risk profiles established by each separate authority (on specific issues: illegal migration for instance). The results of the accomplished controls at the border checkpoints by one authority should be available for all the authorities with attributions at the border as well as the plan of measures for the prevention of appearance of certain problems in the future.

8. A common approach of Romania and the Republic of Moldova regarding the specific border check should consider the fact that, at this moment, the competences and responsibilities of border authorities from both countries are not harmonized. An optimal solution of this problem envisages the creation of conditions for the establishment of correspondences and collaborations, including at the medium decisional level. The meetings of the authorities responsible for the borders should have a permanent character, in accordance with a commonly established calendar. It is recommended that this framework of collaboration be used for the mutual information in the fields of interest for the present activity and for the establishment and consolidation of action procedures. The collaboration could be extended up to a common definition of some acceptable indexes or parameters of performance: quantitative (how much is being checked at the border), qualitative (the results in relation with the made efforts) and up to the mutually accepted notions and values regarding the selection for these checks. Another suggestion for the efficiency of the border check is linked to the previously enounced idea and namely to the sharing of data among the countries and even more, the creation of a common database on mutually established domains and criteria.

9. In the conditions when the Republic of Moldova and Romania are facing economic difficulties, the solutions for a common control that would respond to the criteria of budget economy, as well as to the efficiency could be viable. Specifically, the previous experiences like some mobile equipment that would serve more checkpoints deserve to be evaluated in the case of the border between these two envisaged states (and not only). For such solutions, there is the precedent of international support for their procurement, the conditions in which such projects are enforced requiring that the demand come as a result of collaboration between these two countries.

10. Regarding the euro-regions that also include Romania (including the euro-regions Upper Prut and Lower Danube), it is necessary to systematize the information and to update it not only for the reason of appropriate information of the national and international public opinion, but also for the reason to correct where it is the case or prevent, in other situations, the potential problems. The systematization or centralization of all these data at the level of a public institution from Romania, accessible for the interested parties, regardless of the place they come from, as well as the development of a transparent mechanism of assessment of programs from these regions to which should contribute not only the representatives of the authorities from public administration from the relevant fields but also from the civil society from the involved parties, is beneficial for Romania as well as for the countries interested in the exchange of experience.

With the mention that the above observations could be deepened and detailed in continuation, it is recommended to have debates concerning them, at the level of some collectives of analysis from each country and in common, from more countries, as well as (particularly) at the level of the institutions that are capable to adopt the required measures. In the same idea,

we would like to encourage their collaboration with the representatives of international organizations whose expertise can be as valuable and necessary as the financial support, which, in the economic conditions of Romania and Republic of Moldova, would positively supplement their budgetary efforts.

ANNEXES

EXCERPT FROM THE 2001 REPORT OF THE EUROPEAN COMMISSION ON ROMANIA, regarding the consolidation of border security and regional stability

The European Commission remarks the significant progress of Romania with regard to the visa policy, control of the borders and migration. However, it is necessary to accomplish legal improvements as well as consolidation of the administrative capability. A special attention should be paid to the acceleration of the reform of the national police forces and the recent legislation regarding the combat of corruption should be followed by measures of strengthening of capacities for the law-enforcement.

Romania has accomplished an important progress in the adjustment of its policy of issuing visas to the European standards. This harmonization should be continued, particularly regarding the introduction of compulsoriness for visas for the states with an increased migration potential.

To what regards the external borders, the reorganization and modernization of the Romanian Border Police is being accomplished, seeing the first positive results of increased efficiency and improved practices. Despite all these, the cooperation between the bodies with attributions in this field should be improved in the continuation and the efforts of combating corruption should be increased. Considerable investments have been made for the procurement of the surveillance equipment and it is planned to procure some more. There is still the need to connect on-line the border check and transit points to the central database about migration.

For the preparation for the participation in the Schengen space, regarding the development of a Schengen Action Plan, Romania has concluded agreements of readmission with all the EU member countries except Great Britain and Portugal, with 6 candidate countries (Poland, Slovakia, Czech Republic, Slovenia, Hungary and Bulgaria), as well as with the Republic of Moldova, Switzerland, India and Croatia.

In the field of combat of organized crime, there have been governmental decisions regarding the organization of Police and the statute of the police officer, being present on the Parliament agenda. This legislation will form the legal framework for the demilitarization of the police, essential for the increase of democratic control and responsibility of police forces. A limited progress was experienced however in the field of combat of fraud and corruption. Many more efforts are necessary to create an efficient capacity for implementation and to the improvement of the institutional cooperation in this field.

Romania recorder progresses in the field of customs cooperation through the foundation of the Anti-Fraud service within the General Customs Direction. The inter-institutional cooperation should be improved and the agreements regarding mutual assistance should be signed. Fields with significant progresses are the development of risk analysis and development of a national computerized database in accordance with the CIS standards. Thus, one should also develop other methods of combating fraud and corruption, including the introduction of mobile surveillance units, development of customs labs and attribution to the authority of control and assurance of observance of legal provisions by the customs personnel.

Action Plan for 2002 and 2003 of the Government of Romania in the fields relevant to the study

1. Consolidation of cooperation regarding the illegal migration through the control and consolidation of security at the border:

- Promotion of cross-border cooperation through the initiation of formalities for the creation of a trilateral center at the border with Ukraine and the Republic of Moldova in Galați;
- Initiations of agreements with the Republic of Moldova and Ukraine regarding the common control of the passports during the transit of the trains across the border;
- Development of the project of Framework Agreement for the common control at the border checkpoints and initiation of its negotiation with the neighbor countries;

2. Visa policy

- Adjustment to the EU visa policy, particularly to what regards the introduction of compulsoriness of visas for the countries with a high potential of migration – conclusion of new agreements related to visas;
- Update of the lists of states that need a visa according to the EU list (introduction of visa regime for the CIS countries, FR of Yugoslavia, FYROM, Turkey)
 - Bosnia-Herzegovina, FYROM, Russian Federation, Ukraine.
 - FR of Yugoslavia
 - Turkey
- Implementation of the on-line system of visa processing which would integrate the consulates of Romania, Direction of Consular Relations from the Ministry of Foreign Affairs, accordingly the General Direction of Computerized Recordkeeping of Persons, at the central level, as well as the level of its territorial formations;
- Consolidation of the control of the way of issuing visas;
- Development of administrative capacities of the Romanian Border Police in the fields of immigration, border control, as well as the improvement of border management;
 - Implementation of the programs of training and specialization of the personnel with international assistance. Creation of staff with unique profile – border police;
 - Creation of mobile structures of intervention at the state border;
 - Endowment with equipment designed for the surveillance and control of the border and on-line connection of the border posts to the central database regarding immigration;
- Accomplishment of the process of replacement of the soldiers on duty with professionals;
- Accomplishment of a informational integrated system of the institutions with border competencies in order to achieve an operative exchange of data and information;
- Creation of the informational on-line system of the Border Police;
- Accomplishment of the integrated system of surveillance and control of the traffic at the Black Sea;

1. Border Control

- Beginning of preparations for the participation in the Schengen zone and of implementation of the Schengen Action Plan (accomplishment and implementation of Schengen visa types and introduction of new passports);
- Development of an integrated strategy of border management;
- Improvement of cooperation between the agencies regarding the management of border and intensification of the efforts of combating corruption, update of the protocols in dependence on the new aspects of operational situation;

- Conclusion of documents of cooperation with border police authorities from other European countries as well as with the Coast Guard and similar institutions from the Black Sea region;

- Finalization of the sheltering center for the aliens with illegal residents from Arad county and rehabilitation of the centers from Iasi and Giurgiu.

2. *Asylum*

- Improvement of conditions of the housing of asylum seekers, equipment and endowment with sufficient personnel;

3. *Migration*

- Introduction of unique sample of residence permit, according to the practice of Schengen space;

- Implementation and use of a standard travel document for the expulsion of the third parties that do not possess valid travel documents;

- Increase of degree of preparedness of the personnel activating in the field of migration, as well as of the personnel with attributions to the housing centers of the migrants with illegal residence, according to the community practices.

4. *Police cooperation and the fight against organized crime*

- Development and implementation of an integrated program of combating transnational and cross-border organized crime;

- Creation at the level of the General Police Inspectorate and the County Police Inspectorates of independent structures to combat criminality in the field of weapons, explosives and toxic substances;

- Improvement of reaction capabilities of the police forces, development of infrastructure that would allow the intensification of fight against organized crime;

- Creation of some specialized structures for the fight against the new forms of criminality: information, international traffic in humans or attempts;

- Conclusion of some new protocols and agreements of collaboration with similar institutions from the EU member countries;

- Initiation of a cooperation agreement with EUROPOL;

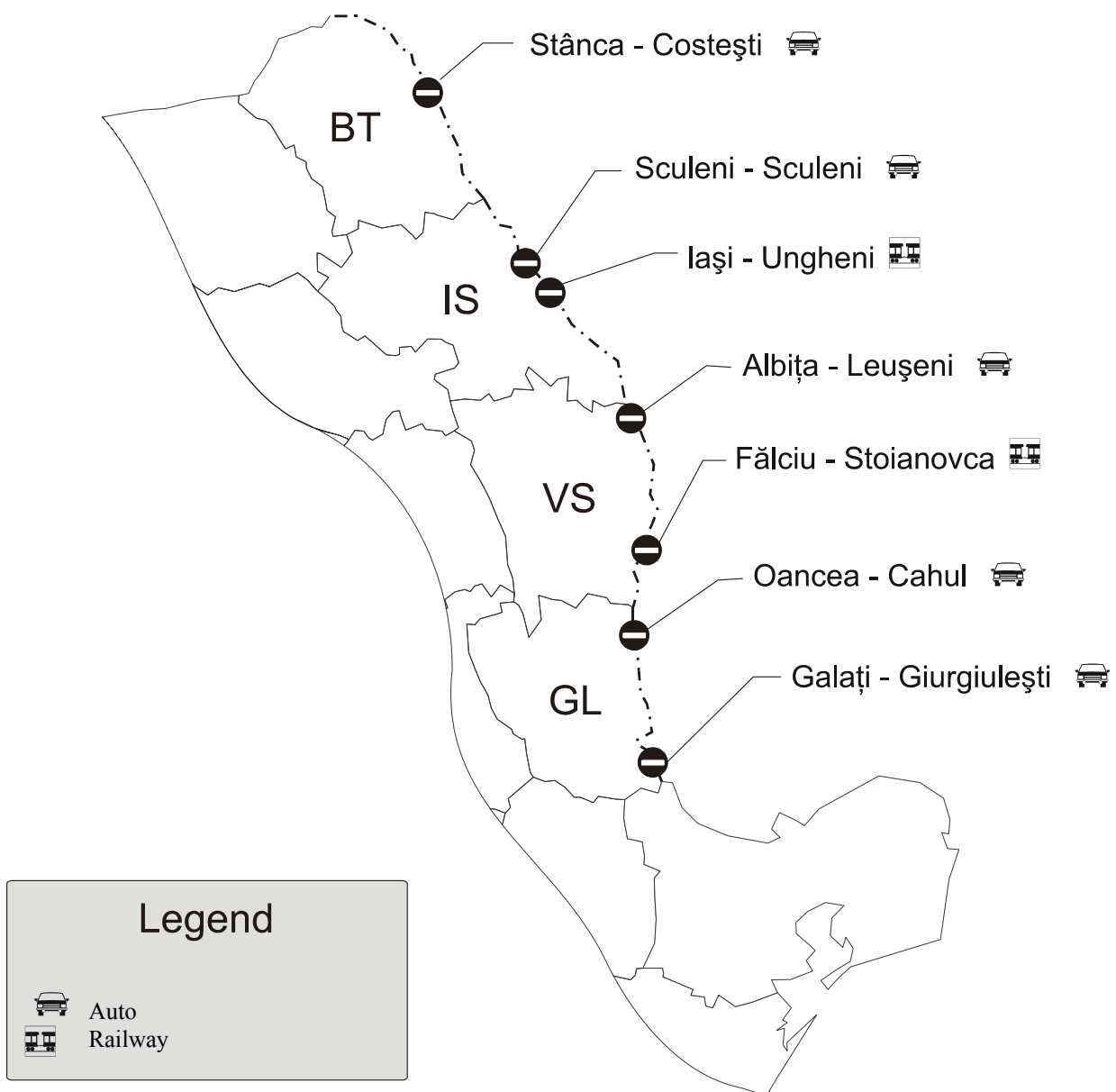
- Adoption of the draft of law regarding the combat of organized crime.

5. *Combat of drugs*

- Development of a national strategy regarding the drugs and creation of a national connection terminal with the European Center of monitoring the drugs and drug addiction;

- Improvement of capabilities of law-enforcing authorities, particularly police forces and customs structures.

**Transit and checkpoints at the border
between Romania and the Republic of Moldova**



Passenger traffic at the border of Romania with the Republic of Moldova,
Of Romanian and foreign citizens, in the years 2000 and 2001,
At each border transit and control points (BTCP).

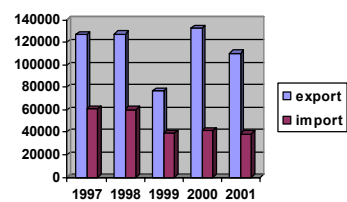
	2000	2001
BTCP Albița	535.366 57.225 Romanians, 478.141 foreign citizens	542.907 66.185 Romanians, 476.722 foreign citizens
BTCP Fălciu	40.281 2.234 Romanians, 38.047 foreign citizens	18.491 1.386 Romanians, 17.105 foreign citizens
BTCP Galați	399.416 45.997 Romanians, 353.419 foreign citizens	431.294 171.426 Romanians, 259.868 foreign citizens
BTCP Iași	654.187 52.992 Romanians, 601.195 foreign citizens	360.869 48.365 Romanians, 312.504 foreign citizens
BTCP Oancea	367.668 32.876 Romanians, 334.792 foreign citizens	305.392 30.464 Romanians, 274.928 foreign citizens
BTCP Sculeni	730.517 56.986 Romanians, 673.531 foreign citizens	537.405 57.393 Romanians, 480.012 foreign citizens
BTCP Stîncă	291.222 18.160 Romanians, 273.062 foreign citizens	237.442 14.013 Romanians, 223.429 foreign citizens
TOTAL	3.018.659 266.472 Romanians, 2.752.187 foreign citizens	2.279.800 235.232 Romanians, 2.044.568 foreign citizens

**Volume of goods imported and exported by Romania in relationship with the
Republic of Moldova**

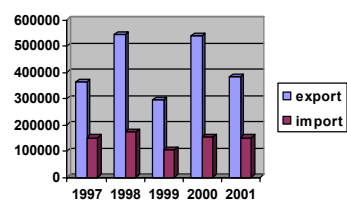
- Analysis for 1997-2001, railway and auto transportation –

r.	ACTIVI TY	TRANSP ORT	VALU E (th. \$)	Total value	WEIG HT (tons)	Tot al weight
997	export	railway	35377, 15	1265 43,87	188822	363 621
		auto	91166, 72		174799	
	import	railway	21822, 47	6123 3,79	89828	151 222
		auto	39411, 32		61394	
998	export	railway	41489, 36	1273 33,6	322183	544 601
		auto	85844, 24		222418	
	import	railway	16779, 28	6031 1,99	99714	174 970
		auto	43532, 71		75256	
999	export	railway	24383, 86	7714 8,22	150830	295 130
		auto	52764, 36		144300	
	import	railway	5775,5 2	3953 2,26	34960	102 578
		auto	33756, 74		67618	
000	export	railway	66104, 38	1328 12,87	373669	539 601
		auto	66708, 49		165932	
	import	railway	15457, 68	4119 6,94	91518	154 062
		auto	25739, 26		62544	
001	export	railway	34534, 02	1103 85,48	229305	381 059
		auto	75851, 46		151754	
	import	railway	11181, 39	3863 6,35	66000	151 93704
		auto	27454, 96		85704	

1. Chart export-import expressed in value (thousands US Dollars)



2. Chart export-import expressed in weight (tons)



Workgroup Presentation

Gabriel Micu (b. 21.10.1964) – Secretary I, director in the Ministry of Foreign Affairs

Graduate of the Polytechnic Institute from Bucharest and Law Department, Bucharest. Since 1997 works in the Ministry of Foreign Affairs, being in the positions of director in the Direction Council of Europe and Human Rights, chargé d'affaires in Cyprus, first secretary and head of Moldova Direction. Worked in important functions in structures and nongovernmental organizations regarding national minorities, fight against racism, anti-Semitism, xenophobia and intolerance. Pursued qualification courses in these fields in the country and abroad.

Valentin Popescu (b. 20.11.1968) - engineer

Graduate of the Polytechnic Institute from Bucharest. Presently he is the coordinator of the Direction of Risk Analysis within the General Customs Direction. Has a significant experience in this field. Collaborated tightly in specific problems with specialists from Germany, USA, Great Britain and accomplished training courses in the field of combating drugs and strategies of pre-adherence in the customs field.

Mihail Rujoi (n.9.09.1940) –diplomatic advisor

Graduate of the Academy of Economic Studies and Graduate Course of International Relations. Between 1966 and 2000, worked in the Ministry of Foreign Affairs and diplomatic missions of Romania from Belgrade, Moscow and Chisinau moving, through competitions, from the ranks of attaché to advisor. In 1991-1997 dealt with the relations of Romania with the Republic of Moldova as an advisor and subsequently, director of Moldova Direction within the Ministry of Foreign Affairs, charge d'affaires in Chisinau and advisor of the Embassy of Romania in the Republic of Moldova.

Nini Săpunaru (n.2.06.1963) – representative of the parliament

Graduate of the Academy of Economic Studies. Occupied the position of general director of General Customs Direction. Presently – representative of the National Liberal Party in the Parliament of Romania.

GeŃiana Șerbu (n.8.07.1964) – SECI executive secretary

Graduate of the Polytechnic Institute from Bucharest. Participated in the foundation of two international institutions – International Network of the Structures from the Basin and the Regional SECI Center for the Combat of Cross-border Criminality. Used to be coordinator of international projects within the Autonomous Administration “Romanian Waters” and Director of Direction of European Integration, International Relations and Public Image from within the General Customs Direction. Presently – Executive Secretary of the SECI regional center for Combat of Cross-border Criminality

References

1. Agreement between the Government of Romania and the Government of the Republic of Moldova regarding customs cooperation and mutual administrative assistance in the prevention, investigation and combat of customs offences, signed in Bucharest on April 24, 2000, approved through GD no. 744 from August 31, 2000, published in the Official Monitor of Romania no. 443 from September 06, 2000;
2. Agreement between the Government of Romania, the Government of the Republic of Moldova and the Cabinet of Ministers of Ukraine regarding collaboration in the fight against criminality, signed in Kiev on July 6, 1999, ratified through the Law no. 70 from March 16, 2001;
3. Agreement between the Government of Romania and the Government of the Republic of Moldova regarding mutual travel of citizens, signed in Chisinau on June 29, 2001;
4. Agreement between the Government of Romania and the Government of the Republic of Moldova on readmission of the aliens, signed in Bucharest on July 27, 2001;
5. Agreement of cooperation in the prevention and combat of trans-boundary criminality, signed in Bucharest on May 26, 1999;
6. Action programme: Customs 2002 - Decision 210/97/EC of the European Parliament and of the Council of 19 December 1996 adopting an action programme for customs in the Community (Customs 2000); Amended by Decision 105/2000/EC of the European Parliament and of the Council of 17 December 1999.; Official Journal L 33, 04.02.1997; Official Journal L 13, 19.01.2000
7. Commission Opinion COM(1997) 2003 final;
8. Commission Report COM(1998) 702 final;
9. Commission Report COM(1999) 510 final;
10. Commission Report COM(2000) 710 final;
11. Commission Report COM(2001) 361 final;
12. Convention on the use of information technology for customs purposes (CIS) Official Journal C 316, 27.11.1995;
13. Council and Commission Action Plan of 3 December 1998 on how best to implement the provisions of the Treaty of Amsterdam on the creation of an area of freedom, security and justice. Official Journal C 19, 23 January 1999;
14. Council Act of 18 December 1997 drawing up, on the basis of Article K.3 of the Treaty on European Union, the Convention on mutual assistance and cooperation between customs administrations; Official Journal C 024 , 23/01/1998;
15. Handbook International Convention on the simplification and harmonization of Customs procedures; Internet Edition (Kyoto, 18 May 1973) | Amending Supplement No. 13 - January 1993; 1st Edition (October 1975) - Dépôt légal: D/1975/0448/2;
16. 1.065. – Decisions on approval of national Program of corruption prevention and national plan of action against corruption, published in the Official Monitor of Romania, part one, year XIII - No. 728; Thursday, November 15, 2001;
17. Joint surveillance operations manual - Council Resolution, of 9 June 1997, on a joint customs surveillance operations manual.; Official Journal C 193, 24.06.1997;
18. Law no.123/2 April 2001 on the regime of aliens in Romania, published in the Official Monitor of Romania no.168 from April 3, 2001;
19. Urgent Decision no.104 from June 27, 2001 regarding the organization and functions of the Romanian Border Police, published in the Official Monitor of Romania no. 351 from June 29, 2001;
20. Urgent Decision no. 105 from June 27, 2001 regarding the state border of Romania, published in the Official Monitor of Romania no. 352 from June 30, 2001;

21. Urgent Decision no. 112 from August 30, 2001 regarding the sanctioning of deeds committed outside the borders of the country by the Romanian citizens or by stateless persons resident of Romania;
22. Urgent Decision no. 144 from October 25, 2001 on the fulfillment by the Romanian citizens at the exit of the country, of conditions for the entry in the European Union member states and in other countries;
23. OISIN Program (Decision Council of Ministers of the European Union of 28 June 2001 establishing a second phase of the program of incentives, exchanges, training and cooperation for law enforcement authorities (Oisin II), OJ L 186 of 7 July 2001);
24. Protocol between the General Border Police Inspectorate from the Ministry of Interior of Romania and the Department of Border Guard Troops from the Republic of Moldova regarding the mutual circulation of the citizens, signed in Albița on 27 September 2001;
25. Report "Two and a half years of Stability Pact: lessons and political recommendations", prepared by Bodo Hombach with the occasion of his resignation from the position of special coordinator of the Stability Pact for the Southeastern Europe;
26. 2001 European Commission Report on Romania;
27. STUDY – NATIONAL SECURITY AND DEFENSE OF MOLDOVA. 2001. Study accomplished by the Institute for Public Policy within the international project *Strategic assessment of national security and defense of the Republic of Moldova*, in collaboration with: Euro-Atlantic Center from Moldova, Center of Conflict Study and Research, Royal Military Academy, Great Britain, Scottish Center for International Security, University of Aberdeen, Great Britain, Chisinau 2001
28. The Center for Strategic & International Studies; CSIS Prospectus
VOLUME 2, NUMBER 3; Fall 2001; The Future of the Canadian-U.S. Border; Laura Bogomolny, Canada Project;
29. THE WASHINGTON TIMES; November 26, 2001; "U.S. seeks mutual 'security perimeter'";
30. "Congress, administration talk of merging Border Patrol, Customs Service, Coast Guard"; by David S. Broder and Eric Pianin; The Washington Post; November 14, 2001;
31. Treaty on European Union;
32. The Border Coordination Initiative (BCI) - a plan developed by the U.S. Customs Service and the Immigration and Naturalization Service (INS) for increased cooperation on the Southwest Border (SWB) to enhance the interdiction of drugs, illegal aliens, and other contraband.;

Some aspects of the Moldo-Romanian Co-operation for Regulating the Flow of Goods and Persons at the Border between the Republic of Moldova and Romania

V.Esanu, Head of division, MFA, Moldova

Cooperation between the Republic of Moldova and Romania to regulate the flow of travellers and goods at the border is a part of a more complex mechanism that includes all areas of cooperation between these two countries and is implemented through Moldo-Romanian Inter-Ministerial Cooperation Committees (ICC). The coordination of their activities and the monitoring of meeting commitments undertaken in the final papers adopted by ICC is the responsibility of offices in charge of managing the relations between the two countries chaired by diplomats, persons that have experience as members of the Governments of these countries, having the status of ambassadors or ambassadors for special missions and Secretaries of State.

ICC meet yearly at the level of State Secretaries or Deputy Ministers, in turns – once in Chisinau, once in Bucharest – and the goal is to review bilateral cooperation and develop future plans. It should be mentioned that the need to create such a complex mechanism was conditioned by the special preferential relationship between the Republic of Moldova and Romania, according to their status of neighbouring countries, with similar history and culture.

Border cooperation is one of the ICC priorities. The ICC statutory paper states that members may meet as needed, at least once a year, and discuss a wide range of issues regarding the facilitation of crossing the border between these countries.

Since Moldova's declaration of independence in 1991 have taken place 11 meetings of sector groups aimed at regulating the goods and people flow at the border between Moldova and Romania. It should be mentioned that this mechanism made a number of departments and ministries adopt specific measures to settle issues related to the regulation of goods and people flows at the border between the two countries. Thus, meetings are attended by State Secretaries or Deputy Ministers of the Ministry of Home Affairs, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Environment, the Ministry of Transport and Telecommunications, Heads of the Customs Control Department, the Frontier Guard Department, the Phyto-Sanitary Quarantine Inspectorate, and the prefects of the counties adjacent to the border.

By and large, the most significant achievements of the above mentioned Sectoral Groups are:

1. The creation and strengthening of the legal basis related to the regulation of the goods and people flows at the border between the Republic of Moldova and Romania, including:

- The Free Trade Agreement between the Government of the Republic of Moldova and the Government of Romania (November 17, 1994);
- The Agreement between the Government of the Republic of Moldova and the Government of Romania on Mutual Travels of Citizens (September 11, 2001);
- The Agreement between the Government of the Republic of Moldova and the Government of Romania on Customs Cooperation and Mutual Administrative Assistance for the Prevention, Investigation and Repression of Customs Offences (it sets forth simple border

crossing procedures for goods and people flows by organizing joint control activities, efficient information exchange, etc.; October 15, 2000);

- The Agreement between the Government of the Republic of Moldova and the Government of Romania on Foreigners Re-Admission (July 27, 2001);

- The Protocol between the Frontier Guard Department of the Republic of Moldova and the Frontier Police Inspectorate of the Ministry of Home Affairs of Romania on Mutual Travels of Citizens (September 27, 2001).

Given that since July 1, 2001 was introduced the mandatory requirement to present the passport at border crossing were developed and signed normative acts aimed at reducing the negative impact of this measure upon the goods and people flow regulation at customs units. We should mention that one of these acts was the Accord between the Government of the Republic of Moldova and the Government of Romania of the Financial Assistance for Passport Procurement for some Categories of Moldovan Citizens. Thus, the Government of Romania provided non-repayable financial assistance of 1 million \$US.

2. The opening of customs units Leuseni-Albita, Sculeni-Sculeni, Oancea-Cahul, Giurgiulesti-Galati, Stanca-Costesti and their functioning under the international customs regime, as well as customs units Ungheni-Ungheni and Falcu-Stoianovca for railway goods and people flows;

3. The modernization of some customs units. On the right bank of the River Prut was modernized the customs unit of Albita and works have started on modernizing the Galati-Giurgiulesti customs unit, while on the left bank of Prut the customs infrastructure was developed at Sculeni and Cahul and improvements were made to the Leuseni customs unit; thus, currently just one customs unit has a symmetrical structure – Albita-Leuseni.

4. The fastest developing area was the telecommunications, currently there are two significant optical fibre connections between the Republic of Moldova and Romania.

5. Another positive development is the agreement on building a European-standard railway from Chisinau to Ungheni, technical feasibility studies have started, with the participation of specialists from both countries.

6. Two Euroregions were created - "Lower Danube" and "Upper Prut" – and permanent contacts are maintained at the local administration level in the counties adjacent to the Moldo-Romanian border – Cahul, Lapusna, Balti, Ungheni, and Edinet.

Besides, it should be mentioned that the potential for border cooperation is much larger than the results achieved so far show. There are numerous issues that have not been settled yet, despite the joint agreements on the matter. Thus, a number of measures should be undertaken, namely:

a. Border security

It is necessary to sign an Inter-Governmental Agreement on Simplifying Joint Border Crossing Procedures by Citizens Who Live in Communities Adjacent to the Border and a Protocol between the Frontier Guard Department of the Republic of Moldova and the Main Border Police Inspectorate of the Ministry of Home Affairs of Romania on Information Exchange to Secure the State Border.

b. Customs operation

Customs authorities insist on solving issues related to:

1. Signing an Inter-Governmental Agreement on Organizing Joint National Controls (juxtaposed or in joint teams) at the customs units at the Moldo-Romanian border.
2. Shifting to joint customs and passport checks. Although there are some barriers related to informational incompatibility, we hold the opinion that physical searches may be carried out jointly. It should be mentioned that the Republic of Moldova has benefited from the support of financial bodies, e.g. within the Stability Pact for South Eastern Europe, as it was included in the Project on Facilitating Trade and Transport at the Regional level, the support amounted to 9.1 million \$US. One of the project goals is to create a common informational system for customs units.
3. Introducing joint customs stands to collect all customs duties at a time. Currently there is an automated customs control system with a single customs stand at Sculeni customs;
4. Intensifying cooperation between customs offices, including establishing urgently direct telephone connections between customs offices at the same customs unit;
5. Opening (once current infrastructure development finishes) border crossing units for excisable goods at Sculeni-Sculeni and Giurgiulesti-Galati customs units;
6. Bringing to common grounds customs regulations and reducing customs duties, etc.

c. Telecommunications and transportation

As it is widely known, to create a strong infrastructure in border zones is a primary condition for the harmonious development between adjacent states. Therefore, competent authorities in the Republic of Moldova and Romania keep in focus the building of the bridge over the River Prut at Radauti-Lipcani, the building of the European-standard railway Ungheni (Parlita) – Chisinau, the electrification of the railway Ungheni-Chisinau-Tiraspol, the modernization of the national highway #3 Chisinau-Giurgiulesti, and the building of the 110 kV electric grid Falciu-Cantemir. Besides, Moldovan authorities focus on negotiating with their Romanian counterparts the need to reduce the road taxes for buses and trucks, taxes for disinfection, the need to issue authorizations for regular passenger routes.

d. Environment protection

Bring to common grounds environmental taxes levied by both parties, Romanian local authorities should think about applying the same (lower) rates as those applied in the Republic of Moldova;

- Develop joint regulations on shipping toxic substances, in conformity with European regulations;
- Update and amend the protocol on collaboration between the bodies in charge of public works and territory administration in the Republic of Moldova and Romania.

e. Fighting crime, illegal migration, trafficking of weapons, drugs, people, stolen luxury cars, smuggling, counterfeit money trafficking, etc.

- Improve the informational system, operative data exchange, experience exchange;
- Intensify cooperation within SECI Centre in Bucharest on fighting crime.

f. Collaboration between counties adjacent to the border within the Euroregions "Lower Danube" and "Upper Prut".

The Republic of Moldova and Romania are members of Euroregions "Upper Prut" (counties of Edinet and Balti in Moldova, counties of Suceava and Botosani in Romania, region of Cernauti in Ukraine) and "Lower Danube" (county of Cahul in Moldova, counties of Galati, Tulcea and Braila in Romania, district of Reni in the region of Odessa in Ukraine). Besides, the Moldo-Romanian Euroregion "Middle Prut" was designed and is about to be institutionalized, it will consist of the counties of Lapusna, Ungheni and Chisinau in Moldova and the counties of Iasi and Vaslui in Romania. Thus, over 70% of Moldova's territory and 80% of its population will be included in the regional transfrontier cooperation framework.

The participation of the Republic of Moldova, Romania and Ukraine in transfrontier cooperation within Euroregions has economic advantages, but implies legal and institutional difficulties:

1. Territorial-administrative units in the Republic of Moldova have a much lower economic potential than their counterparts in Romania and Ukraine.

2. Both central and local authorities in the Republic of Moldova were quite inert in transfrontier cooperation, as:

- In Moldova there is no Governmental structure that would promote a State regional policy and support Euroregions' interests in front of central State authorities;
- Moldovan administrative-territorial units (counties) were established not so long ago and are still weak in promoting individual cooperation policies;
- Both at the central and county levels have not been developed regional integration strategies or specific action plans;
- Funds from local budgets are insufficient to support cooperation activities and access to external funding sources is limited.

Conclusions

If we overview briefly the current status of the collaboration between Moldova and Romania in regulating the goods and people flow at the Moldo-Romanian border we can conclude that it has been at a satisfactory stage.

In addition, we can also conclude that currently the Moldo-Romanian border is well organized compared to the Eastern border and many issues arise because of the Moldo-Ukrainian border's transparency. Thus, we should be grateful to our Romanian counterparts for being open to collaboration.

Once Romania advances towards European integration, the approach to some issues related to border activities will change. From this point of view, it is critical to anticipate all issues that might arise at the border between the Republic of Moldova and Romania.

International co-operation in the CEI area and impact of external factors on the situation in the Carpathian-Danubian region

Prof.dr.B.Parakhonsky, National Institute for Strategic Studies, Kyiv, Ukraine

General overview of the international situation in the region.

Central (or Middle) Europe comprises a rather compact group of states that are situated between Germany and the Russian Federation, between the Baltic, the Adriatic and the Black seas. Conditionally the whole area can be divided into three parts – *the North-Western group* (Poland, the Czech Republic, Hungary, Slovakia), *Carpathian-Danubian region* (Romania, Moldova, the Ukraine) and the *Balkans* (Bulgaria, countries of the former Yugoslavia). The last two regions are often combined under a common name *South-Eastern Europe*. Almost all countries of the area are part of the Central European Initiative cooperation system.

Taking into account the historical past and the current situation in the Central European countries it worth speaking about common features of their geopolitical situation and similar tendencies of the social-economic development. This region generates almost the biggest number of problems for the contemporary Europe – conflicts in the Balkans and Transnistria, NATO and EU enlargement, economic difficulties and problems in democratic development, rather complex relations of the countries of the region with Russia that has here its own interests and many others.

In general, all these problems come to the core one – **how and to what extent countries of Central Europe can be integrated into the common European area?** Without settlement of this extremely important issue Europe's future, its security and further dynamic development seems rather doubtful.

The alternative to the process of European integration – creation of a situation when, for some reasons, certain countries of the region can be eliminated from this process and left alone with their problems – will have as its result edification of new delimitation lines in Europe instead of the former “iron curtain”. Intensification of regional problems will result in the increase of migration flows to the West that, in its turn, will contribute to the aggravation of the criminal situation. Additionally, internal conflicts often have a tendency to spread over the borders of the conflict area and, in one way or another, will necessitate an adequate reaction from the European security structures.

Historically countries of this region have always been linked by many cultural, economic and political ties. For a long period of time the future of the peoples of this area was decided by the relations between the Russian Empire, Austria-Hungary, Germany and the Ottoman Empire, between which they have been divided. It should be remembered that both the 20-th century world wars were partially provoked by regional conflicts, clashes of big European countries' interests and that the main war theatres were also situated in this region. Processes of formation of national states in the region in the 19-20-th centuries had mainly an anti-imperial character that was supported by western countries (Britain, France and later the USA) interested in the weakening of continental empires.

The majority of the region's countries belong to the post-communist area, they were members of the Warsaw Treaty and COMECON (Council for Mutual Economic Aid) and since the collapse of the former USSR had been in the process of economic and social-political

transformation in accordance with the western standards, a fact that from the geopolitical perspective looks as “a secession from the communist past” and “return to Europe”. Under the influence of a number of factors these processes are being developed at a different speed, bearing different character in these countries, although there are also common features for all of them.

In general, geopolitical situation in the Central European region is determined by several circumstances:

- enlargement of NATO by accepting countries of the region, which stimulates the processes of formation of a common security area;
- connected with the previous - creation of necessary conditions for the EU enlargement and a single European geo-economic area;
- development of internal regional integration processes with a good understanding of the peculiarities and of a common character of the region's countries national interests;
- necessity to overcome ethnic conflicts and interstate disputes as a prerequisite for the further development of the region and its accession to the common European area.

Security vacuum created in Central Europe as a result of the collapse of the “socialist block” stimulated the processes of reorientation of the region's countries to the west, which was demonstrated in their aspiration to join NATO and the EU, as well as by their internal consolidation in the form of the establishment of local regional structures.

Most of the region's countries defined their strategic interests in the western direction, orienting them towards the accession to NATO and the EU. On the other hand, Russia has established a political and military domination in Byelorussia, is seeking a consolidation and strengthening of its influence in the Ukraine and Moldova, plays a sophisticated geopolitical game with the West either approaching it now and then, or going into a veiled form of opposition. It will greatly depend on the position of Russia and the West whether Europe continues to be divided into two spheres of influence or it unites into a single entity.

On the other hand, stability of the whole European security system significantly depends on the countries of the Central European region. After Poland, the Czech Republic and Hungary joined NATO and the decision on their forthcoming accession to the EU was taken the focus of the discussions move to the South-East European area.

The aspiration of a number of countries to join the European structures is another unification factor. To achieve this goal the region's countries have to make a big effort in order to meet the standards and requirements put forward by NATO and the EU – democratization of society and market reforms, civil control over the armed forces, absence of interstate conflicts and territorial claims and others. These requirements themselves play the role of a stabilization factor in Europe. Perspectives of future NATO and EU membership make the governments of these countries follow the requirements of these organizations regarding the reform of all spheres of life based on the principles accepted by highly developed democracies.

Nevertheless, the idea of regional consolidation does not have a confrontational connotation and is oriented towards the development of multilateral relations between the countries of the region and external forces. The implementation of large-scale common projects, which rely on internal investments and are supported by international financial institutions, is the

economic basis of the regional system of cooperation and security. For the time being, consolidation impulses are coming mainly from outside, primarily from the West, which seeks to intensify regional cooperation by all possible means by involving countries of the Central Europe in common projects, emphasizing political importance of regional cooperation.

In a future perspective we can expect an increase of Europeans' efforts towards a higher level of the West responsibility for the processes in South-Eastern Europe. If it is possible to foresee an emergence of serious threats to European security, they will come out from this region. Perhaps, NATO and the EU strategic objective is to create a new system of international security that will respond to modern challenges and threats. The second wave of NATO enlargement that supposes adherence to the Alliance of 9 Central European states will be perhaps fulfilled taking into account the previous experience of accepting new members and with the elaboration of new criteria for membership. The latter include such criteria as the level of development of democracy and market economy, application of civil control systems over the armed forces, absence of border disputes, etc. In this context, it should be taken into account not only the qualitative aspect of the enlargement but also the influence of this process on the NATO relations with Russia. The criteria of NATO membership are in general terms identical to the EU criteria. It is expected that new members will join NATO at the November 2002 Prague Summit.

The common argumentation platform of the future NATO members is the idea that all these countries belong to the European civilization. Only due to well-known historical events they were separated from Europe for a long period of time and now their return to it is seen as a natural and logical process.

At the same time, the nature of the Alliance is also changing. The Alliance has been established as a reaction to the real military threat coming from the USSR, but with its disappearance it is transforming into a new European collective security system. Therefore, an exacerbated ingenuity in accepting new members can lead to a geopolitical ambiguity and can destabilize the situation in Europe and contribute to drawing up new demarcation lines.

In this regard it should be mentioned that NATO and the EU's attitude towards a number of Central European countries (the Ukraine, Moldova, Byelorussia, Yugoslavia) differs, to a certain extent, from their attitude towards other countries of the area. The Western policy regarding the first group of countries has a clearly defined non-integration character and is rather viewed in terms of partnership and cooperation. The application of the integration pattern in the relationship with these countries has been postponed for an undetermined future until they "are ripe enough". The most difficult task for these countries is considered to be their compliance with the first Copenhagen criterion for the EU accession – political stability and a developed democracy, supremacy of law and guarantees for human rights.

In November 2001 the Report of the European Commission on the EU enlargement acknowledged the preparedness of Poland, Hungary, Czech Republic, Slovakia, Slovenia and the three Baltic states to achieve a level that meets the economic criteria. Bulgaria only approaches the creation of a market economy, Romania has only made significant progress in meeting the economic requirements. The Ukraine is only mentioned as a partner that will have a common border with the EU.

The framework of the EU relations with each of the 12 countries, which were offered a perspective of a full membership, is based primarily on the Association agreements (the European agreements). Their essence is recognition of the European integration perspectives and the establishment of the relevant institutional framework for the transition period to the full-fledged membership status. An associated membership to the EU is the main form of legitimization of participation to the process of European integration. The associated member is considered to be *an object of the EU internal policy*. The necessary spheres that require adaptation are financed through the PHARE program, which in its objectives and especially in its scale essentially differs from the TACIS program, implemented in the CIS countries. A number of Central European countries applied for the EU membership back in 1994-1995 and, although many of them were far from meeting the necessary standards, their applications were accepted, which gave them the possibility to obtain the formal status of a candidate country and to open up negotiations on joining the EU.

A number of the region's countries, which were left outside the integration process, lately undertook steps directed towards their inclusion in it. Thus, Yugoslavia getting rid of its "outcast country" image declared in July 2001 its readiness to start the procedure of accession to the EU and to conclude an association agreement before 2003. The Ukraine, whose relations with the EU are being regulated by a special cooperation agreement, in February 2002 announced the elaboration of EU accession program with the identification of specific terms of gradual integration until the full-fledged membership is reached in 2011. In October 2000 the EU acknowledged the Ukraine as a country with market economy, but did not take any decisive steps for granting it the candidate country status.

Introducing a single visa regime on the territory of 13 out of 15 member countries of the European Union was an important step towards building a united Europe. However, abolition of the EU internal borders inevitably leads to the enforcement of the border-crossing regime with its neighbors, a tendency that has been already felt by the citizens of the EU neighbor countries. Certain elements of the Schengen system allow us to talk about its discriminatory nature towards the citizens of the third countries, or at least about its imperfection.

In general, it can be said that the processes of NATO and the EU enlargement by involving Central European countries significantly change the system of international relations within the CEI area. In the end, they have a tendency to create such a system of linkages that should be viewed rather in the context of a United Europe internal policy than in the usual context of foreign relations.

At the same time, European integration processes in the region become increasingly difficult due to the processes of social-economic transformation, which in different countries have different speed and are connected with some internal conflicts. It is the weakness of states, crime increase, corruption, decline of the citizens' security level that pose major threat in the countries of the region. At the same time outside threats, in their classical understanding (of a military character), clearly lose their importance. In this general context, the usual understanding of international security changes too.

The countries of the region have to face the problem of a skilled labor force migration to the higher developed regions of Europe that reduces the possibilities of their economies development. On their new places migrants often face discriminatory treatments, but the possibilities of their home state to protect their rights are clearly insufficient. An economically weakened state often is not able to stop the illegal migration flows through their territory, to

effectively fight drug smuggling and organized crime that lead to an increase of criminal elements in the country.

Governments of a number of countries cannot provide a decent living standard and ensure protection of all citizens' lives, which leads to a low level of trust in state institutions, to the increase of the gap between the elite and the rest of the population and which can provoke social conflicts. As a result, we observe a growing protest and left-wing radical sentiments in the region's countries. The exponents of antidemocratic and anti-market ideas access to the power. Democratic values and western criteria of economic development for the majority of the population mean almost nothing. Citizens do not always have the possibility to actively participate in the political process, to freely express their opinions and talk about their needs. As a matter of fact, we see in the region's countries a quasi-democratic social model.

In such conditions democratically oriented governments need a broader support from the international community both in matters of internal development and in maintaining order in the entire region. In this context, the importance of regional and trans-regional international organizations increases, which offer a more effective realization of specific cooperation projects.

Role of regional cooperation systems

The Central European Initiative was established in November 1989 in Budapest by representatives of four countries (*Austria, Yugoslavia, Italy and Hungary*). The Central European Initiative (known at that time as "Quadrogonale") had as its objective elimination of dividing lines in Europe, settlement of stability and security issues, contribution to the European integration processes.

Accession to the CEI of *Czechoslovakia* (as of 1990, after the breakaway from each other *Slovakia* and the *Czech Republic* have their separate membership to the CEI) and *Poland* (1991) contributed to the strengthening of the organization's importance. The CEI got its name in 1992 with the accession to the organization of *Croatia, Slovenia* and *Bosnia and Herzegovina*. Having contacts with the CEI in the framework of different working groups as of 1992 the Ukraine obtained in March 1994 the status of an associated member of the CEI and on 31 May 1996 at the meeting of the ministers of foreign affairs in Vienna the status of the CEI member. Today, the CEI has 17 members (including also – *Albania, Byelorussia, Bulgaria, Macedonia, Moldova, Romania*).

The Central European Initiative – a forum offering cooperation in the region and one of the elements of stability and cooperation in Europe, does not substitute other cooperation mechanisms (inclusively bilateral) and does not affect the international commitments of the member states.

The CEI activities are developed in such areas as transport, environment protection, science and technology, combat of organized crime and international terrorism, national minorities problems, migration, youth exchange, cross-border cooperation. Meeting of the heads of states of the CEI members take place on a regular basis, there are numerous specialized working groups.

On 5-6 November 1999 at the meeting of the heads of government of the CEI countries in Prague there was adopted the Final document, which reflected a large number of issues called to ensure a more active participation of the CEI in the processes of political and economic development of the Central Europe, as well as in the enhancement of regional stability. The last meeting of the CEI heads of states that took place in November 2001 in Trieste gave special attention to the issues of cooperation in fighting terrorism and illegal migration.

The CEI provides assistance to the regions that suffered from the accident at the Chernobyl nuclear power station, assists in the development of the international transport corridor Trieste – Ljubljana – Budapest – Kiev, in the modernization of aeronautic services, the development of small and middle-sized business, connection of the member states to the European computer networks, exchange of economic information. The Organization's plans to restore the navigability of the Danube River that links different parts of Europe into a single economic area.

Under the aegis of the European countries the Strategy of joint spatial planning related to development of the Central, Adriatic, Danubian and South-Eastern European space (CADSES) is also implemented. This is a big European transnational program that serves as a geographical and structural basis for the realization of concrete projects of territorial development. In 1997-1999 was an "Action Program for the Central, Adriatic, Danubian and South-Eastern European space" has been worked out in the INTERREG II framework. It joined 4 EU member states – Austria, Germany, Greece and Italy and the non-EU member states, which were preferred partners. It was declared that the program was earmarked for the "development of a strategic vision for the spatial planning" of the respective areas.

The program activities were based on the principles of equitable cooperation between the partners, consensual decision making of the cooperation partners in fundamental issues, understanding of the objectives of individual partners, solidarity among partners in order to develop all the potentialities of these spaces. The program involves the Central European countries that are non-EU member states. Amongst the most important problems the CADSES program is being preoccupied with are the still absence of some effects as a result of the fall of the "iron curtain", great disparities in the economic performance and in wage levels, structural changes in the regions, labor market problems, etc.

Regional cooperation on a local level takes place in the framework of the "Carpathian Euroregion" interregional association that includes regions from Poland, Hungary, Romania and Slovakia (as associated members) and several Ukrainian oblasts (Transcarpathia, Ivano-Frankivsk, L'viv and Tsernovtsy). An objective of the cross-border cooperation is the elaboration of common projects financed from the EU funds (PHARE and TACIS programs).

An intens cooperation of the CEI countries has a decisive importance for the acceleration of the process of European integration, for overcoming gaps in the rate of economic and social development of different countries, assistance in establishing mutually advantageous relations in the region, as well as for the diminution of the danger of new demarcation lines in Europe.

In their turn, the higher developed countries of the region (countries of the north-western group) are interested in an effective development of relations and mutual assistance, since they realize that a support of democratic changes in less developed countries is vitally important for their own national security and sovereignty.

Taking into account new realities of the European world we can say that the new phase in the elaboration of the regional idea is necessary to be implemented in the context of all-European processes, taking into account the interests of all European states. In a situation when the most of the countries of the region join the EU and NATO, the new regional system in the Central Europe has to be built under the aegis of European structures as one of the key zones of the European security and cooperation.

Carpathian-Danubian region

The territory of the countries that create the Carpathian-Danubian region (Romania, Moldova, the Ukraine) is a local zone that meets different groups of interests, and where special spheres of interstate relations are being formed. An adequate understanding of the situation in the region can be based on the analysis of the following key questions:

- regional aspects of all-European integration processes;
- Russia's influence on regional processes;
- peculiarities of internal political development in the Republic of Moldova;
- necessity of an adequate settlement of the Transnistrian problem;
- influence of the Ukrainian-Romanian relations on the situation in the region.

Republic of Moldova. Political processes in Moldova have a significant importance for the entire region, due to the fact that it is the most problematic country with a high potential for internal conflicts that can spread to the neighboring territories.

The political situation in Moldova has significantly changed after the communists' victory in the parliamentary elections in February 2001, which took place in the background of a deepening political and economic crisis in the country. Communists' accession to power generated apprehension of the change not only of the society development strategy but also of the geopolitical situation in the region.

An increase of social-political tensions and separatist tendencies force the authorities to look for additional political and financial resources in order to maintain a stable situation. In this context, political process in Moldova becomes more receptive to the influence of external factors.

Moldova is intensifying its relations with Russia due to some new Moldovan leadership hopes in Russia's help in solving the Transnistrian problem and the country's considerable dependence on Russian companies in the energy field. On 20 April 2001 the Parliament of Moldova ratified the agreement with the Russian Federation on military cooperation (signed in 1997) for the term of five years (the Christian-Democratic party voted against, justifying its position by the unsettlement of the question of the Russian troops' withdrawal from the territory of Moldova). Usually this kind of agreements would anticipate a transition to closer union relations.

The development of Moldovan economy considerably affects the general orientation of the internal political processes in the country and determines the state of relations between Chisinau and Moscow. Today the Moldovan economy is on the eve of its virtual dependence on its relations with the Russian Federation especially in the field of adoption of decisions on key economic issues.

At present, obstacles in the process of a peaceful settlement, presence of the Russian military contingent and Moscow's efforts to secure its formal status with broad functions in the peacekeeping process are the main issues. Russia uses positive elements in its relations with Chisinau and its influence on the Transnistrian leadership for strengthening the influence in the region.

In his election campaign declarations the communists' leader V. Voronin emphasized two priorities – to grant the status of a state language to the Russian language and to join the Russia-Byelorussia Union. Despite the post-election declarations that these questions had to be solved through a referendum and having even realized that an advance in this direction would generate serious protests of the right-wing forces, the communist leadership was not able to refrain from concrete steps that in the end destabilized the situation.

The attempt to introduce the compulsory course of the Russian language in the educational system provoked numerous protests of the right-wing forces in February and led to a political crisis. Despite the efforts of the communist government to settle the situation through the staff shuffling and even the abrogation of the previously adopted decision, the right-wing forces demand the government's resignation and holding of pre-term parliamentary elections. A background for the increase of protest sentiments of the population is the realization of the communist leadership's incapacity to lead the country out of economic crisis, as well as a crash of hopes in the soonest settlement of the Transnistrian problem. It should be taken into account that the maintenance of the existing level of economic relations with the western countries and with the neighboring Romania in the background of an extensive economic crisis cannot satisfy Moldova in principle. All these create a fertile soil for hesitation of Chisinau policy between the Romanian and Russian vectors.

Romania is viewed by the Moldovan right-wing forces as a bridge to a broader European space both in economic and security terms. Integration of Moldova into the European structures is in line with its further rapprochement with Romania. Taking into account the future accession of Romania to the European Union and NATO the attractiveness of the idea of unification for a considerable part of the Moldovan population can increase, because in such a way Moldova could rather quickly find itself among the European peoples, effectively solve the problems of its own security and promote social-political reforms.

Theoretically, such a scenario is possible even from the view point of the national identity of the Moldovans, since, in fact, they together with the Romanians constitute a single nation – of an Orthodox religion, with a single language based on the Latin origin with common cultural and historical traditions, but divided politically as a result of external forces influence. It is on the ideas of a rapprochement with Romania that hopes of the right-wing forces are built, while “russification”, according to them, can distance Moldova from the European context.

It is important to mention that the process of rapprochement of the two countries is practically underway in a hidden form. The Moldovan-Romanian border is rather transparent for the Moldovans, who can almost effortlessly obtain a Romanian passport, the Moldovan young people study in the Romanian universities, etc. Previously the Moldovan and Romanian leaders used to underline a special character of Moldovan-Romanian relations, which, in their opinion, were beyond ordinary interstate relations. In The idea that the unification of the countries is just a matter of time is prevailing the Romanian mass media. In certain conditions this process can be significantly accelerated. Against the background of a deepening economic crisis and lowering of the standard of living of the country's population the reunion scenario can be presented by the right-wings as the only possible one for the survival of the nation. Europe can in general favor a democratic reunion of the relative states, since there is already a vivid example of such integration in the unified Germany.

Among the factors that slow down the integration process of Moldova with Romania the most important, perhaps, is the presence in Moldova of numerous national minorities such as Ukrainians (13,8%), Russians (13,0%) and others (8,7%), which do not accept the perspective of their "romanization", let alone that in Romania itself the situation with the national minorities rights do not seem to be attractive. Depending on the success of implementation of economic reforms in Romania, as well as on its approach to the EU, Moldova's interest in developing the relations with Romania will increase.

Romania. In Romania itself since 1996, when moderate political forces of democratic orientation came to power, the government proposed a package of resolute market-oriented measures: slowing down of price increase, cutting down of state subsidies, a large scale and fast privatization, introduction of bankruptcy mechanism for deficient enterprises. The foreign policy priority objective of the government is an active integration into the European structures.

Taking into account the situation generated by the EU negative assessment of economic reforms in Romania, the latter concentrates the main efforts on fulfilling the EU requirements regarding its advancement towards accession to this organization. On 28 December 2000 the Parliament of Romania endorsed the governmental program of economic reforms and promotion of accession to the EU and NATO. In this context, it stipulates the implementation of constitutional reforms, reform of the tax legislation, as well as holding necessary negotiations with international creditors.

The results of the presidential and parliamentary campaigns in Romania and particularly the success of the "Romania Mare" (Big Romania) party and the Romanian chairmanship at the OSCE as of 1 January 2001 can generate an increase in Bucharest's attention to the Transnistrian problems and the Romanian-Moldovan relations.

However, in the short-term perspective there are no real grounds for positive shifts in the conduct of the strategic policy of economic integration (and of possible unification) of Moldova with Romania, declared by the Romanian authorities. European interests of Romania seem to be more valuable and its leaders are not likely to sacrifice them, therefore postponing the implementation of the unification idea to the distant future. Taking into consideration the internal political situation in Moldova, Romania can only hope that the relations between Bucharest and Chisinau will remain unchanged.

Cardinal changes in the Romanian foreign policy, which would divert from the previously declared course of the country's integration into the EU and NATO could scarcely take place. During the election campaign all candidates declared their support for this course, inclusively the newly elected president I. Iliescu and the leader of the nationalist party "Big Romania" C. V. Tudor. Romania is against the legitimization of the Transnistria's statehood, expects Russia's compliance with the commitments undertaken at the OSCE summit in Istanbul, inclusively the territorial integrity of the Republic of Moldova.

Ukraine. The foreseeable tightening of the border regime in the short-term perspective due to the accession of a number of region's countries to the EU and NATO can lead to a certain isolation of the Ukraine. The importance of development of the relations with the Ukraine will bear a more declarative character than will bring to a serious material and intellectual support. Already in the process of certain CEI countries' accession to the European Union the candidates are expected to tighten control (customs, visa, etc.) on their eastern borders. In this regard there is a real danger of slowing down trade and cultural exchange.

Being left beyond the European integration process the Ukraine will have to look to the West from a more distant position and other Central European countries will be losing for it their independent importance and will be viewed only as elements of the European whole.

Another negative factor that can pose obstacles to a more active regional cooperation is the deepening of a gap in the rate and results of the reform processes. A permanent lagging of some countries from the others can become a chronic one. A quick adaptation of the CEI countries to the principles and standards of the European community complicates the Ukraine's approach to these countries, primarily in the economic sphere. Lack of sufficient resources makes it impossible to implement common large-scale projects and will transform the CEI countries into secondary partners in the process of implementation of regional initiatives.

The EU is interested in the Ukraine in the context of transportation through its territory of energy resources to the European countries, of ensuring the security of these deliveries, and it also intends to involve the Ukraine in the creation of a new system of European security. The EU representatives officially declared the willingness to grant the Ukraine practical the assistance in arrangement of its borders.

Moldova is a sphere of strategic interests for the Ukraine, a partner in many bilateral and multilateral projects. On 18-19 May 2001 during the visit to Kiev of the Moldovan president V. Voronin there was signed a number of agreements on cooperation (on visa-free movement of citizens, on mutual recognition and equalization of education documents and scientific titles, on economic, scientific and technical cooperation in the field of agriculture, on cooperation between ministries of justice).

On 9-10 June 2001 during the working visit to Kiev the Moldovan Prime Minister Vasile Tarlev, together with the Ukrainian Prime Minister A. Kinah, took part at the meeting of the intergovernmental Ukrainian-Moldovan Economic Commission, where concrete directions of cooperation were discussed. There was signed a number of agreements, particularly on the regime of exploitation of the 8-kilometers-long segment of the Odessa-Reni motorway near the Moldovan village of Palanca. On 12 June the Parliament of Moldova ratified the Treaty on state border with the Ukraine, the fact that laid the grounds for the settlement of such a

controversial issue as an exchange of small segments of territory. In response, the Supreme Soviet in Kiev ratified the agreement on the ownership of both countries.

The Ukraine and Moldova are in permanent political dialogue. The progress in the bilateral Ukrainian-Moldovan relations, especially in the context of the Transnistrian problems, is mainly connected with the Ukraine's support of the Chisinau position in its relations with Tiraspol. Possible steps towards a greater involvement of the Ukraine in the process of peaceful settlement of the Transnistrian problem are based on the principle of territorial integrity of the Republic of Moldova. From the point of view of regional interests, the OSCE initiative that links the process of broadening economic cooperation opportunities with the further progress in the negotiation process should be considered as the most favorable tendency.

The Ukraine is interested in a comprehensive support of the sovereignty and territorial integrity of the Republic of Moldova and any plans of its decomposition, or unification with Romania are undesirable for the Ukraine. The Ukraine seeks an accelerated development of economic, political and cultural ties with the Republic of Moldova. It is interested in the increase of integration elements of both countries, in creation of a single economic and informational space, development of military-technical cooperation. A more effective involvement of the Ukraine in the process of settlement of the Transnistrian problem is possible with the participation of the Ukrainian peacekeeping forces. An increasing orientation of the Transnistrian economy to the Ukrainian markets also contributes to the stabilization of the regional situation. From the point of view of the development of regional systems of cooperation Moldova can be involved in the transport and energy projects of the Black and Caspian Seas region.

International context of the Transnistrian problem

It is a widely spread version that threats of "romanization" of Moldova provoked lead to creation of the self-proclaimed Transnistrian republic. However, it is also true that the latter emerged as a result of the same factors that brought to the creation of the Crimean autonomy: interests of the political-administrative elite of Moldova and Transnistria diverged as a result of the predominant orientation of the industrially-developed Transnistrian region to the wards all-union necessities.

Chisinau is ready to grant to the Transnistrian republic quite a wide autonomy but in the framework of a united state. Tiraspol, by signing the documents, in which it accepted the integrity of the Republic of Moldova, as a matter of fact is looking for a full recognition of its independence, i.e. the right to create institutions of legislative and executive power, to have its own foreign policy and armed forces, customs, state security and law enforcement structures. It is obvious that Chisinau will not accept this, since in fact it will destroy the integrity of the state.

One of the most stringent problems in the settlement of the Transnistrian conflict is the withdrawal from the region of the Russian military forces, ammunitions and military equipment that were declared by the Transnistrian leadership as the Transnistrian property. The OSCE Istanbul Summit set the deadline for the complete withdrawal – 31 December 2002. Then, at the Moscow meeting representatives of the Russian, Ukrainian and Moldovan

presidents, as well as representatives of Transnistria, agreed on the schedule of the withdrawal.

Yet, later on, president of Transnistria, I. Smirnov, began under different pretexts to strongly oppose the withdrawal from the region of the Russian armaments and military equipment.

In conformity with the proposals of the commission there are expected radical changes in the process of peacekeeping activities in the region – Moldovan and Transnistrian contingents will be replaced with the Russian and Ukrainian ones. In this way the Ukraine can get real means to influence the situation near its borders.

After pre-term parliamentary elections, Russia gets more ways to influence a further development of the regional processes due to the changes in the internal political situation in Moldova. It is important to mention that in the general context the Ukraine is becoming a key factor in the South-west European direction of the Russian policy, taking into account the growing role of the Ukraine and OSCE in the process of the Transnistrian settlement. Moscow is interested in adjusting with the Ukraine its political position with regard to the Transnistrian settlement.

The Russian Federation Commission on the Transnistrian conflict, headed by E. Primakov, elaborated a document “Basic principles of the Mandate of the peacekeeping forces in the Transnistrian region of the Republic of Moldova”. According to the document the peacekeeping operation is carried out jointly by the OSCE, Russia and the Ukraine. The forces of the peacekeeping contingent comprise 1600-1700 Russian and Ukrainian soldiers. The commander of the peacekeepers is supposed to be a Russian general. Along with the peacekeeping tasks, the peacekeeping forces should also carry out functions connected with *“securing protection and contributing to the free withdrawal of the Russian armament and armaments from the Transnistrian region of the Republic of Moldova”*.

Implementation of the “Primakov plan” is a matter of principle for Russia. The key question for Moscow is bringing favorable corrections into the position of Chisinau with regard to the bilateral relations. A high rating of the Communist Party of the Republic of Moldova will undoubtedly contribute to that. This explains the considerable dynamization, after the elections in Moldova, of the Russian policy in the settlement of the Transnistrian problem, which is directed towards the adjustment of the Transnistrian leadership’s position.

Russia supports the signing of a final document on the settlement of the Transnistrian problem on condition that the status of the Russian military contingent in Moldova is changed. A positive decision of the Russian Federation on restructuring the state debt of Moldova to Russia can also contribute to that. The parties should agree on the “Primakov plan” there would be possible to talk about the maintenance of the Russian military presence in Transnistria.

In the near future Moscow will be seeking to use to the maximum the chance offered by the parliamentary elections, to create and fortify in the long run mechanisms of influence its on Chisinau. This has a particular importance today, because the internal political life in the country, in general, is not ready for a positive apprehension of these processes and their acceleration can lead to an internal crisis and the unforeseeable consequences for the Moscow’s interests, which can hinder Moldova’s movement towards the accession to the Russian-Byelorussian Union.

The Transnistrian problem is viewed by Moscow in a much broader sense than as a local problem in the framework of Russian-Moldovan relations. For Russia it is more important to stop the processes of its political exclusion from the region that can be observed in the case of the Transnistrian settlement. Thus, the maintenance of the military presence in the Transnistrian conflict zone is viewed by Russia as a sort of pressure leverage not only in the process of peaceful settlement, but in the internal processes in Moldova, in its foreign policy and in the general development of the political and economic situation beyond the Russia's borders.

The overall fulfillment of the OSCE Istanbul Summit decisions on the withdrawal of Russian troops and ammunitions from the Moldovan territory, as well as the perseverance of the European organizations in this issue, drastically diminish the Russian influence on the process of peaceful settlement. Termination of the 14-th army withdrawal from Transnistria can give Russia possibilities, through exerting pressures on Tiraspol, to obtain concessions from Chisinau on the status of Transnistria in the framework of a "single state" in exchange for the agreement of Moldovan leadership on the legalization of the status of the Russian contingent, as a guarantor in the framework of the future agreement on final settlement, as well as on matters regarding the future form of the peacekeeping operation.

In the mid-February 2001 in Kharkov took place tri-lateral negotiations of the ministers of foreign affairs of the Ukraine, Russia and Moldova on the settlement of the Transnistrian conflict. During the meeting the Ukraine and the Russian Federation clearly stated their support of the territorial integrity of Moldova. There was also emphasized the importance of continuing negotiations on the level of experts from the Ukraine, Moldova, Russia, Transnistria and representatives of the OSCE.

In accordance with the international character of the settlement process, the main unsettled issue is the divergence of the Chisinau and Tiraspol positions on the "common state" definition – on confederation principles or a sophisticated unity. As a matter of fact, today there is no confrontational basis in the approach of both sides. Absence of historical, religious, national and other grounds for the re-launch of confrontation was repeatedly stated at a number of meetings. The main progress in the relationship between Moldova and the Transnistrian leadership should be considered the readiness to create common spaces, inclusively the defense one. The discussion of this issue has already started under the auspices of the OSCE in parallel with the expansion of economic opportunities, in connection with a further development of the negotiation process.

At the meeting held on 9 April this year V. Voronin and I. Smirnov signed a declaration where they confirmed the effect of all previously signed documents, inclusively the 1997 Memorandum on the normalization of relations between Moldova and Transnistria. Yet, the negotiations have not brought any significant results. Representatives of Transnistria rejected the document proposed by E. Primakov. The minister of foreign affairs of TMR V. Litskai declared that *"in the current situation the Ukrainian proposal is more suitable"*, which had already been drafted and discussed in the course of several years.

The presence of a loyal to Moscow communist majority in the Moldovan Parliament is an extremely unfavorable factor for I. Smirnov, taking into account that this can be used by Moscow for a serious pressure on the Transnistrian leadership. However, the possible Chisinau's steps in the revision of the status of the Russian military contingent have to be approved by Tiraspol, which repeatedly tried to make Russia withdraw from the OSCE

Istanbul summit commitments. The pre-election program of the Moldovan communists regarding the accession of the country to the Russian-Byelorussian union were actively supported by a number of influential political formations of Transnistria – “Народовластие” party and the “Власть народа” movement. In their declarations, during the election campaign in Moldova, the same rhetoric was actively used.

But of no less important for Moldovan communists is the political support of other political forces, since there is a necessity to introduce modifications in the Constitution in order to finally settle the situation in Transnistria. First of all, it concerns the question of legitimization of the temporary presence of the 14-th army in Moldova. It will also influence the preparedness of the new government not only to revise the official position of Chisinau on the Russian commitments on the withdrawal of its contingent from Transnistria, but also to settle the question of its status in favor of Moscow.

On 20 April 2001 at the meeting with I. Smirnov E. Primakov declared that he viewed the change of the political leadership of Moldova as a turning-point in the relations between the parties and suggested to use the tactics of intermediary solutions, which was based on the agreement on specific issues. The tactics of intermediary steps will create such a *“legal space, which will bring the parties closer to the final formula of a common state”*. In E. Primakov’s opinion a “common state” is a form of federation with different levels of independence of its component parts and a different scale of delegation of authorities to the Center.

Moldova has confirmed many times its availability to grant quite a high level of autonomy to Transnistria within the borders of an integral Republic of Moldova, an approach that is widely supported by the international community. Taking into account the wide-range support of the Moldovan approach, it should be expected that Transnistria will not become a separate state within the Republic of Moldova and the negotiation process between Chisinau and Tiraspol will be held exclusively in the direction towards determining terms of the Transnistrian autonomy within the Republic of Moldova.

The OSCE political course seems to have more perspectives than the Russian one and it better responds to the strategic interests of the region’s countries. It is built on the principle of unconditional respect for the territorial integrity, sovereignty and inviolability of the state borders of the Republic of Moldova. The OSCE initiative that links the process of the economic cooperation extension to the further progress in the negotiation process should be considered as the most appropriate one from the point of view of the regional interests.

Romania has also previously demonstrated a considerable interest in the participation to the Transnistrian settlement process. Yet, such a perspective can not be positively perceived both by Chisinau and Tiraspol, because it can bring additional tension to the settlement process, as well as by Moscow, taking into consideration a wide-range number of problematic regional issues.

Romania believes that a number of elements of the draft proposed by E. Primakov are in contradiction with the principles of international law, in particular, referring to Transnistria as to “a state-territorial entity”. The Bucharest approach is explained by the fact that principles of edification of a “common state” according to Primako’s plan are in contradiction with the Basic Treaty signed between Romania and the Republic of Moldova, which defines the relations between the two states as *“a privileged partnership and cooperation”*. Chisinau’s observance of this document provisions is in line with the European orientation of both

countries, it contributes to the rapprochement between Romania and Moldova, in which Bucharest is extremely interested.

In this context, it should be expected a consolidation of the Euro-Romanian links, taking into account the Romanian interest in improving its relations with the EU and NATO, as well as considering the importance for Bucharest in materializing its influence on the internal political processes in Moldova. Up to year 2004 Romania will have the possibility intensify the processes of Transnistrian settlement on the OSCE level (where it currently holds the chairmanship) and on the UN Security Council level (if it obtains a non-permanent member status for the period of 2003-2004).

Border problems

The border problem has to be viewed from the perspective of the European integration policy, of the problems of international communications development and the assessment of risks connected with the current, partially unsettled, status of the state borders.

During the Soviet times the state border was a symbol of the stability of the “iron curtain”, a guarantor of the hermetically sealed countries of the socialist blocks and served not only as a means of defense from external threats, but rather as a barrier for their citizens, whose free communication with the rest of the world would have undoubtedly undermined the steadiness of the regime. The system of state borders in the post-Soviet countries had fully experienced the influence of the past legacy, but the character of the problems and tasks connected with their status are today totally new, because they reflect the aspiration of the post-soviet countries to occupy a proper place in the system of regional relations.

For the Ukraine the key importance of borders the filter role, meant to stop infiltration of international criminals, illegal migrants and contraband becomes possible only on condition that an overall modern infrastructure of the Eastern border is provided, across which 90% of illegal migrants and more than 2/3 of the contraband enter the Ukraine. Realization of the “European choice of the Ukraine” even on a minimum scale is impossible without the settlement of the Eastern border problem. Delays in the settlement of this issue will give additional grounds to those who want to separate the Ukraine by a new demarcation line from Europe that unites and extends.

On the regional level a special attention should be paid to the problem of creation of a stable and effective border between the Ukraine and Moldova, as well as between the Ukraine and Romania.

Ukrainian-Moldovan border. Visit of the Moldovan Prime Minister Vasile Tarlev to Kiev in June 2001 confirmed the Chisinau’s readiness to put an end to the absence of settlement of the state border between the two countries. Although the only problematic question was the one on the future of the segment of a second category 7.77 km-long motorway Odessa-Reni in the Palanca village perimeter, as a fact there remains unsettled the whole complex of questions on the delimitation and demarcation of the border between the two countries.

The bilateral agreement “On state borders” signed on 18 August 1999 was ratified by the Ukrainian Supreme Soviet back on 6 April 2000. This issue gained a wide public echo due to the protests of the Palanca village people, who repeatedly appealed to the Moldovan leadership in order to settle the problem of the motorway and the land ownership in the border zone (according to the delimitation topographical maps the motorway crosses the state border three times within the boundaries of this village).

In Chisinau the Palanca village issue became a subject of intensive political debates, bargaining and manipulations. The right-wing parties were trying to obtain electoral benefits by promising to solve all questions in favor of the Moldovan citizens. One way or another, the question of ratification of the agreement was brought to practical level only in 2001, after the communist majority was formed. Having serious interests in the Ukraine, mainly commercial ones, the new Chisinau political elite was ready to return to the formula fixed in the Additional protocol to the aforementioned agreement. According to this document the Republic of Moldova transfers to the possession (ownership, exploitation and dispose) of the Ukraine the portion of the Odessa-Reni motorway in the boundaries of Palanca village of the Republic of Moldova, as well as the plot of land on which the motorway lays. Today the transferred portion of land is under the Ukrainian jurisdiction. The Moldovan side linked the final settlement of this question to the settlement of a number of other problems that have nothing in common with the border regime issue.

On 19 May 2001 the president of Moldova V. Voronin and the Chairman of the Supreme Soviet I. Plushch reached an agreement on the synchronous ratification by the Parliament of Moldova of the agreement “On state borders” and the Supreme Soviet of the Ukraine of the agreement on recognition of the ownership rights on the objects located on the territory of the Ukraine practically belonging to Moldova. At the same time, there was announced the approximate date of ratification – 21 June.

This explains a rather tough Kiev position at the negotiations with the Moldovan Prime Minister on 9-10 July 2001. An information had been revealed that in case of a further delay in the ratification of the agreement “On state borders”, the Ukraine could impose certain economic sanctions. In particular, the minister of transport V. Pustovoitenko warned that the Ukrainian government would be forced to use economic measures against the transit of Moldovan goods through the Ukrainian territory. On 12 July the situation reached its peak: in the morning the Supreme Soviet of the Ukraine ratified the agreement and the Protocol between the governments of the Ukraine and Moldova on the reciprocal recognition of the rights and settlement of the ownership relations and an hour later the Parliament of Moldova approved the Agreement on state borders. This event generated mass (on the Moldovan scale) protests.

The representatives of the “Palanca” civil committee, who were against the ratification of the Agreement, claimed their protests did not have any anti-Ukrainian grounds. They believed that the conditions of the territorial exchange (Moldova got an access to the Danube River bank, suitable for building a port and an oil terminal) were unequal. At the beginning of August a group of Moldovan parliamentarians – representatives of the right-wing political spectrum seized the Constitutional Court of Moldova on the compliance of this agreement with the Moldovan Constitution. The problem is that there is a provision in the Fundamental Law that bans territorial transfers, unless based on the decision of an all-people referendum. Thus, the future of the Agreement ratified after many delays by the Moldovan Parliament on 12 July is again uncertain.

The Transnistrian segment is the most difficult for reaching a settlement, but this time, for other reasons. The lack of necessary mechanisms of Chisinau's control over this segment of the border creates undesired complications in the Ukrainian-Moldovan relations.

At the end of November the Ukraine voiced a protest against the declarations of the Moldovan highest officials towards the Ukraine, in which they brought groundless accusations in complicity to illegal trafficking of goods from the territory of Moldova (Transnistria) and failure to implement the previously agreed commitments on creation of a single customs and border control between the two countries. On 20 November during the meeting with the Prime Minister of the Republic of Moldova Vasile Tarlev the Ukrainian Prime Minister underlined that the Ukraine "rigidly" followed the principle of independence, territorial integrity and sovereignty of Moldova. The latter considered unacceptable to offer to the Moldovan side the possibility to set up Moldovan customs offices on the Ukrainian territory (thus blocking the Transnistrian ones), because it would mean a foreign military presence banned by the Constitution. As a matter of fact this is an internal problem of Moldova. Thus, it is clear that the final settlement of the Ukrainian-Moldovan border regime on the Transnistrian segment is impossible without a comprehensive settlement of the Transnistrian problem.

Ukrainian-Romanian border. Historically the Ukrainian-Romanian relations in the 90s have been developing not in the best possible way, although the two Orthodox peoples, who have a long history of coexistence, could have quickly solved all disputes. It seems that the cause of this situation lies in the dominant orientation of the countries towards one or another big country and a subsequent disregard of their own regional interests, of the interests of a fruitful cooperation between the countries.

Since the declaration of its independence in 1991 the Ukraine faced the problem of territorial claims simultaneously from the two neighboring countries – the Russian Federation with its claims to Crimea and Sevastopol city and Romania, which claims "its historical territories" of Southern Basarabia and Northern Bucovina.

In 1991 Romania refused to recognize the results of the referendum on the Ukrainian independence in the regions, the territory of which it claims, and called the ethnic Romanians from these regions to boycott the Ukrainian referendum. Romanians declared that there was no western, because the border on the Nistru River was defined by the USSR in a unilateral way and imposed to Romania under a military threat, and thus could not be recognized. In April 1993 Romania sent to the Ukrainian MFA a note, in which referring to the USSR disintegration, announced as being illegal the Agreement on the regime of the Soviet-Romanian state border, which had been signed on 27 February 1967. In 1994 Romania unilaterally confirmed its position on the denunciation of the Agreement. The official Bucharest was also questioning the legitimacy of the Snakes Island belonging to the Ukraine.

Negotiations on the conclusion of the Treaty of friendship and cooperation between the Ukraine and Romania had been conducted since 1993. Besides, the general considerations about the necessity to develop friendly relations, the signing of the treaty had a special importance in the context of both countries' aspirations of integration in the European structures. It requires from all candidate countries the settlement of all dispute questions with their neighbors. Romania has achieved significant results on this way, in particular it signed an interstate treaty with Bulgaria and the basic political treaty with Hungary (16 September 1996). In its turn the Ukraine signed in May 1996 a Big Treaty with Russia.

However, the Ukrainian-Romanian negotiations were the most difficult for both countries' diplomats due to a bias and uncooperative position of the Romanian political circles on the territorial issues. There have been made numerous revanchist appeals for the "return of territories" in the press.

The aspiration to join the North Atlantic Alliance is the main pivot of the Romanian foreign policy strategy. The Romanian leadership in its address to the American president grounded the necessity to accept the country in the Alliance by the fact that the access to the Black Sea and its control over the Danube River delta would allow Romania to serve as a kind of connection element between the eastern, southern and western flanks of the Alliance. In fact, Bucharest considers the main purpose for joining the NATO not the military but the political aspect – this would be a final proof that the country is a component element of Central Europe and a guarantor of stability in this region. Romania sees the inclusion of its economy into the European one as being very important and the accession to NATO would considerably speed up the process of modernization and integration of Romania into the EU. Yet, in conformity with the NATO requirements the process of modernization of armed forces and military infrastructure is under way. Romania is planning, in a couple-of-years time, to reduce its armed forces and to create the basis for a professional army. Yet, according to the NATO enlargement strategy, Romanian application for joining the NATO can be examined only after all political disputes with the neighboring countries are settled. As it is known, the 8-9 July 1997 Madrid summit postponed consideration of the issue of Romania's accession to NATO. Romania decided to sign the Ukrainian-Romanian Treaty mainly under the pressure of the necessity to join NATO, regardless the dominant opinion in the Romanian society on the border problems with the Ukraine. Due to the efforts of the Ukrainian and Romanian diplomacy, the *"Treaty on the good-neighbor relations and cooperation between the Ukraine and Romania"* was signed on 2 June 1997, the fact that in general eased tensions on the interstate level between the two states and provided new dimensions in the European geopolitical space.

Recognizing the principle of borders inviolability, the official Bucharest, however, does not rule out the possibility of a peaceful revision of the borders based on the mutual agreement, which is quite possible under the Helsinki Final Act. Thus, we speak of a possible the scenario of borders changes similar to the situation of the Germany's unification, disintegration of the USSR, Yugoslavia, Czechoslovakia etc.

Conclusion of the Treaty between the Ukraine and Romania in conformity with the recognized principles of international law, inclusively the principles of the Helsinki Final Act, creates necessary conditions for deepening the friendly relations between the two countries. The Ukrainian-Romanian rapprochement can be a significant factor in the gradual advance on the path of democratic reforms and security building in the South-Eastern region of Europe.

The signature of the treaty opens up possibilities to developing cooperation between the two countries on the sub-regional level, especially in the Danube River delta. Without the treaty there has been impossible to arrange the meeting of the presidents of Moldova, Romania and the Ukraine in Izmail in July 1997, which gave an impetus to the further economic cooperation between the countries and to the creation of Euroregions the "Upper Prut" and the "Lower Danube", as well as of the free economic zone in the region – Galati (Romania) – Jurjulesti (Moldova) – Reni (Ukraine).

The Ukraine hopes to establish a free trade regime with Romania, especially after the signature of a similar agreement with the Republic of Moldova in January 1996. However, the unsettled border issues prevent the Ukrainian side from promoting the implementation of these proposals.

At the beginning of 1996 there has been announced the creation of a special intergovernmental consultative committee on trade and economic cooperation issues with the aim of elaborating draft agreements to be signed by the prime ministers of the two countries. During the next meetings there were signed a number of intergovernmental agreements, inclusively on cooperation in the field of international automobile transport, on aerial communication, on facilitated state border passage by the citizens from border-neighboring regions, the convention on the avoidance of double taxation, also there were discussed a number of bilateral cooperation projects, such as navigation on the Danube, construction of the Hust – Satul Mare gas pipeline etc. At present, Romanian investments in the development of the Krivoi Rog ore mining and processing enterprise amount to 800 million dollars. The Ukraine and Romania launched the first common project in the energy field – construction of a hydroelectric power station on the Tisa River.

At the same time, although the Ukrainian-Romanian treaty confirmed, in general, the inviolability of borders, it brought beyond its framework the question borders delimitation of in the Snakes Island region, which would be the subject of the future negotiations.

The Snakes Island located in the Black Sea, 37 km from the Danube River delta, includes 17 hectares of rocky land. From the administrative point of view it belongs to the Odessa district. The other names of the island are – Serpilor, Fidonisi, Ilan-Ada, L'va, Lenke. According to the 1948 Protocol on borders determination it was confirmed that the island belonged to he USSR.

The problem is to specify the delimitation line of the exclusive economic zone and continental shelf of each country. This problem in its essence lies in the competence of international law. The exclusive economic zone, currently controlled by the Ukraine, was not defined legally back in the USSR times. The question is about the Ukrainian territorial waters around the island – the overall surface is over 7 thousand square km. The Ukrainian geologists discovered here about 200 prospective gas-and-oil fields. The Ukrainian side's position in this question is firm – the island is under the Ukrainian jurisdiction and discussions about the future of the Snakes Island are regarded as territorial claims to the Ukraine. The Ukrainian side asserts its rights to the 12-mile territorial waters zone and to the respective exclusive economic zone jurisdiction.

According to the Convention on the Law of the Sea land is considered a rock if it is not suitable for economic activities. Romania tries to prove that due to the fact that the Ukraine does not perform any economic activities on the Snakes Island it is a rock and thus the delimitation line of the exclusive economic zone has to be drawn without taking into account this territory. The Ukraine proves that an intensive economic activity is under way on the island. There is a lighthouse, an automatized earthquake control and forecast unit, the island is actively used by geologists and other scientists. Thus, according to the international law, the Ukraine has the right to use the sea area around the island at its discretion.

Distribution of the shelf among the Ukraine and Romania means the delimitation of the area, which belongs to the Ukraine and the legal endorsement of its sovereign rights on this area. According to point 1 of Article 83 of the Convention the delimitation of the continental shelf shall be effected by agreement on the basis of international law. Upon the agreement between the parties a common jurisdiction regime may be established. Yet, at present the Ukrainian-Romanian negotiations on the delimitation of border in the Snakes Island area are rather inert. The Romanian sticks to a rather non-constructive position, thus delaying the negotiations and producing an impression that for Romania it would be more acceptable to bring the case to the International Tribunal.

In general, despite the existing contradictions and misunderstandings, after the conclusion of the basic treaty the Ukrainian-Romanian relations can be looked at with more optimism. The intensive development of the Ukrainian-Romanian relations towards a strategic partnership and a joint advance on the way of integration into the European structures and NATO and support of similar tendencies in Moldova.